



State Transformation in the High North

Cases of environmental justice struggles

Helge Hiram Jensen

Thesis submitted for assessment with a view to
obtaining the degree of Doctor of Political and Social Sciences
of the European University Institute

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European University Institute
Department of Political and Social Sciences

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ABSTRACT

This is a study in the art and science of fundamental systems transformation. The study is hypothesis-generative, based upon qualitative research. The cases are selected from one ongoing process of *state transformation* at the Arctic fringe of Europe. An indigenous rights struggle feeds into the ongoing re-constitution of the body of law. The study contributes to an ongoing *re-thinking of concepts and methods* in European Political and Social Sciences. The struggle for rights is also a struggle for proofs, which feeds into ongoing re-constitution of the body of knowledge.

Positive findings describe my attempts to observe some possible causal mechanisms whereby the indigenous human rights movement has enjoyed some limited success in its effort to decolonize the four states that have divided and conquered Sápmi, the homeland of the Sámi (formerly known as Lapps), the only group within the EU recognized by the UN as an indigenous people.

Negative findings describe my attempts to observe some limitations of my own observational capacity. Many questions of relevance to subaltern interest groups remain under-researched and under-documented: There is a great deal of colonial bias that must still be overcome, not only within European political science at large, but also within my own limited contribution, even though I strive to overcome such bias.

Seven empirical chapters, discuss two single-case studies: Alta Watershed, ca. 1970-1980, and Deatnu Watershed, ca. 1980-2012. The empirical foundation is qualitative data from field observation and historical archives, which is put into context with some quantitative data from official registers. The different chapters operate within different disciplines: two are geographical, two are sociological, one is historical, one large one is anthropological, and one should be regarded traditional political science. Although multi-disciplinary, my empirical research continues what I call the major research tradition in the field. This focuses on collective action and social ecology, and informs human rights policies.

The theoretical discussion addresses observations by colleagues within another, rival, tradition, which emphasizes coercive force and geo-strategy, and serves public security policies. Transformative social movements need to be aware that both traditions remain limited by a heritage of colonial bias. They also need to be aware that both traditions may be used in a complimentary manner, to help overcoming either fatalism or over-optimism. The thesis concludes that transformative social movements need to avoid the dual pitfalls of naïve idealism and naïve realism, and pursue critical realism.

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Dear reader. A thick monograph you have set out to consume. I serve you this big text after a long quest – like an angler’s struggle to catch the biggest salmon. The largest salmon is not the tastiest, but they are precious, because they are hard to catch. The success or failure of a tourist angler may depend on the ability to pay a rower with local knowledge. My own catch would be impossible without the local lore that belongs to indigenous fisher-peasants, the research interviewees. This catch would also be impossible if my expedition along the river had not been enabled by a resourceful community, the research institution. The cred for success should be shared, while failure is my responsibility.

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THE ASSESSMENT PROCESS

To whom it may concern, it may be relevant to know which revisions have been done with this thesis during the assessment process. Two members of the Examining Board, professors Steinar Pedersen and Paul Routledge, asked me to do certain *minor* but *significant* revisions. Before assessment, I had asked them to consider some terminological issues raised by my language corrector, professor Ciarán Burke. All of the revisions deal with either empirical accuracy or theoretical precision regarding the historical geography of constituted and constituent power.

Legal issues: Firstly, in Chapter 2, two *long footnotes* serve to make a better case for my statements regarding the decolonisation of international human rights law, as well as the issue of territory and jurisdiction in postcolonial constitutional law (see. e.g. Neves 2013, Riedel, Giacca & Golay 2014). Secondly, in the two case studies and, in the chapter that bridges them, *three footnotes* specify the possibilities for citizens to confront their states through human rights regimes (part 6.5.0, (at the end) deals with Case I; part 8.6.1 deals with new opportunities for Sápmi people, and part 10.3.8 deals with case Case II). Thirdly, with many *tiny revisions*, I have corrected factual errors regarding the function of ICCPR and IECSCR for indigenous human rights, and regarding the division of labor between the Finnmark Commission and the Outfield Court.

Historical issues: In part 5.2.5, but also in several other tiny corrections, a series of *tiny revisions* tidy up the statements about certain historical events regarding colonisation and the establishment *de jure* state boundaries in some of the areas where Sápmi and Norway overlap. (In 1826, the drawing of a *de jure* north-eastern border between Sweden-Norway and Finland; in 1820, the formal definition of Finnmark County as a "Colonie"; and, in 1852, the closing of the border between Sweden-Norway and Russia-Finland.) Additionally, *footnotes* in 5.2.5 and 9.2.2 add proof about regional democratization in the Finnish Lappland County, and on watershed management from below in Tana and Utsjoki municipalities

Geographical issues: Firstly, in Chapter 3, the conceptualisation of the approach has been further specified with several *long footnotes* and a few *tiny revisions* in parts 3.3.1-3.4.0. Secondly, in Chapters 12-14, the theoretical discussion has gained several footnotes, which specify the production of scale (12.1.2, 12.3.4, 13.3.5), and finally, specify the theoretical and practical conclusions (Chpt. 14). These geographical issues deal with *methods* of non-violent action (Sharp 1973); *theories* of spatial politics (incl. "space", "place", "scale" and "spatial imaginaries", see Wolford 2004); *relevant studies* of territory and jurisdiction (Agnew & Oslender 2010, Keck & Sikkink 1998); and finally, general *theory development* (McAdam, Tarrow & Tilley 2001; Nicholls, Miller & Beaumont 2013).

NOTE ON SPELLING

In this thesis, there are many place-names and other words from Sámi (primarily Northern Sámi) and Scandinavian (primarily Norwegian). Some names in Finnish and Kvänish are also found. Here is a list of the special characters found in such names, and how they are pronounced.

Norwegian

Æ æ between normal a and e

Ø ø very open o-sound

Å å normal o-sound

O o normal u-sound

U u between normal u and y

Northern Sámi

Á á “a with accent”, a very long a-sound

C c “tse” as German or Italian z-sound

Č č “tch”, as tch in English “sketch”

Z z “eds”

Ž ž “edch”

Š š “ech”, as sh in English “shark”

Ð ð “ðe”, as th in English “father”

Ʀ Ʀ “te”, as th in English “think”

Ŋ ŋ “eng”, similar to ng in “English”

Finnish and Kvänish

Ä ä between a and e, like Norwegian Æ

Ö ö very open o-sound, like Norwegian Ø

O o normal o-sound, as in German “Gott”

U u normal u-sound, as in German “gut”

Y y rounded y-sound, like Norwegian u

The emphasis is always in the first syllable

Icelandic

Þ þ as the th in English “think”

LIST OF ACHRONYMES

ANT	Actor-network theory
BEAC	Barents Euro-Arctic Council
BRIC	Brazil, Russia, India and China
CES	Common Economic Space (Eurasian Economic Community)
COE	Council of Europe
CSTO	Collective Security Treaty Organisation (Russian-led military alliance)
ČSV	Symbol (not an acronym) of the Sámi cultural revival movement
ECPR	European Consortium of Political Research
ECRML	European Charter for Regional or Minority Languages
EEA	European Economic Area
EEA	European Environmental Agency
ERDF	European Regional Development Fund
EU	European Union
EU-FRA	EU Fundamental Rights Agency
EU-WFD	EU Water Framework Directive
EUSBSR	EU Strategy for the Baltic Sea Region
EZLN	Zapatista Army of National Liberation
FCNM	The Framework Convention for the Protection of National Minorities
FEFO	The Finnmark Estate
FIVH	The Future in Our Hand (NGO for environmentalism and social justice)
GDP	Gross national product
HDI	Human Development Index (used by UNDP)
ICCPR	International Covenant on Civil and Political Rights
ICECSR	International Covenant on Economic, Social and Cultural Rights
IGO	International Governmental Organization (e.g. COE, UNWGIP)
ILO	International Labor Organisation
ILO 169	ILO-convention 169 on tribal and indigenous peoples
INGO	International non-governmental organisation (e.g. WWF, IWGIA)
INTERREG	“Inter-regional” ERDF program for regions across state borders
IR	International Relations (as sub-field of political science)
IWGIA	International Work Group for Indigenous Affairs
IWRM	Integrated Water Resources Management
LO	Landsorganisasjonen (Norwegian Federation of Trade Unions)

NAFTA	North America Free Trade Area
NASCO	North Atlantic Salmon Conservation Organisation
NATO	North Atlantic Treaty Organisation (USA-led military alliance)
NGO	Non-governmental organization
NNF	Norges Naturvernforbund (Friends of the Earth Norway)
NOU	Norsk Offentlig Utredning, a “white paper” in the Norwegian state policy process
NRL	Norske reindriftssamers landsforbund (Sámi Reindeer Herders' Assoc. of Norw.)
NSR	Norske samers riksforbund (Norwegian Sámi Association)
NVE	Norwegian Water Resources and Energy Directorate
OSCE	Organisation for Security and Co-operation in Europe
SES	The Social-Ecological System framework
SLF	Samenes landsforbund (alternative organisation to NSR)
SMO	Social movement organization (e.g. deep ecologists, ČSV)
TSMO	Transnational social movement organisation (e.g. deep ecologists)
UN	United Nations
UN-WGIP	United Nations Working Group on Indigenous Populations
UNEP	United Nations Environmental Programme
UNEP-GRID	Global Resource Information Database of the UNEP
UNDP	United Nations Development Programme
UNIFIL	United Nations Interim Forces in Lebanon
WTO	World Trade Organization
WWF	World Wide Found for Nature

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The truth is...

The truth is I wrote this song
after I saw a television program
from South Africa
some years back.

And there was, this
white man
he was so upset
because of the changes
that were coming
to this country.

He was upset because
the ones who were
earlier under him were now
supposed to be his equals.

I felt sorry for the man, so I
wrote him a song
'cause I thought it must be hard
when you the whole life you heard,
you learned, you believed
that some people are under other people,
some people have more value than other people,

and then the world changes
and you have to realize

we are
all the same.
It must be hard.

– Mari Boine
“Mun da han lean oaivámus (Phono remix)”

1.0.0 INTRODUCTION: THEME AND PUZZLE

1.1.0 General theme: Internal Decolonisation in the EU

1.1.1 The politics of political science

This is a study in the *art* and *science* of state transformation. To transform a state is a political practice, and therefore an art. However, that art needs evidence-based knowledge, which is a political science. Political science gets its research questions, its funding and its political legitimacy from its ability to serve political practice. On the other hand, political practice needs realistic mapping of practical opportunity structures, and possible pathways to empowerment. This study is an evidence-based contribution to the art and science of state transformation. I have posed research questions that are relevant for social movements for restorative justice. I have built on data that is the property of indigenous local communities in the High North. This research is relevant if I have succeeded in bringing proof that can be useful for movements for restorative justice: indigenous rights movements in particular, environmental justice movements in general. According to the situation, such movements may find themselves in opposition, in government, or they may seek to evade state politics. However, within any of those positions, I hope those movements might find my research to be a useful contribution in the joint struggle for rights and proofs.

I have tried to identify some of the many possible paths that may exist for such movements to empower themselves and to transform their political environment. This also implies a need to fend off violent suppression, and therefore I have tried to demonstrate that (at least in some cases) it may be possible to produce fundamental systems transformation through strictly non-violent means. This is what I investigate in the empirical parts of this study. However, in a final theoretical discussion I also discuss rival explanations from state-centred realists, in an attempt to balance (control for) the potential bias of wishful thinking. In her article “covenants with or without a sword”, Elinor Ostrom discusses her own “new theory” to explain political collectives, against the “old theory” from Hobbes and Hardin.¹ The “old theory” zooms in on mechanisms of domination and coercive force. The “new theory” zooms in on mechanisms that consist of customary praxes and knowledge praxes. Through my research design, I attempt to demonstrate that reductionist (mis)use of the old theory is misleading, though I am not in favour of reductionist use of the new theory either.

This research deals with selected cases of environmental justice struggles in Sápmi, the

¹ Ostrom, Walker & Gardner 1992

homeland of the Sámi, the only people within the EU that has so far been recognised by the UN as an “indigenous people”. In 1997 and 2007 the Norwegian Ministry of Justice and the Police published two reports that provided *new proof about the legal history* in some of the areas where the territory of the Norwegian nation-state overlaps with the territory of the Sámi cultural homeland. This was part of a veritable paradigm shift in legal history and jurisprudence. In spite of what had been official policy from the state, and in spite of what we had learned at school, there had never been established any actual jurisdictional monopoly in areas where Norway and Sápmi overlap. Many such communities have remained in a state of de facto legal and jurisdictional pluralism – even though no-one contested the state's monopoly of violence.² The Nordic states are small, and few people reside in the Sámi cultural area. However, the decolonisation of Sápmi has relevance beyond its geographical location. In West-European political science, the Nordic states have been taken as model examples of unified nation-states, socially homogeneous and politically self-determined. This image was promoted among others by Stein Rokkan. He built his historical-sociological analysis on yesterday's national history.³ But yesterday's national historiography is today's nationalist myth, as a result of the above mentioned progress in knowledge about the past.⁴ It has become clear that the Nordic states were not socially homogeneous, and neither were they self-determined. The indigenous cultural area Sápmi is subject to four states in the northernmost part of Europe: Norway, Sweden, Finland and the north-western provinces of the Russian Federation. Sápmi is a vulnerable socio-ecological region of the Arctic. The local population have experienced a history of systematic ethnic and cultural discrimination, combined with systematic extraction of resources, where cultural assimilation was the condition for gaining investments in return. Of those four states, Russia and Finland never pretended to be anything else than pluri-national. However, if Norway and Sweden ever appeared to have been socially homogeneous, it was because the indigenous people was not only suppressed but also silenced. In those states, parliamentary democracy was introduced by the liberal nationalist movement, but those also brought more explicitly racist policies to the colonial administration of Sápmi. The so-called golden age of social democracy came to an end in the late 1970s, which was the time when the decolonisation of Sápmi began. Moreover, one can hardly say that the Norwegian National Parliament enjoys national self-determination in matters of foreign policy.⁵ In contrast to Sweden, which at least in principle is neutral, Norway possesses large coastal areas, which are the source of its prosperity. In order to secure the control over those waters, Norway has chosen to support its allies at war in Afghanistan and Libya. In fact, the only period when this small state was

² The Norwegian Official Report 1997a (NOU 1997:4); 1997b (NOU 1997:5); 2001 (NOU 2001:31); Pedersen 2012

³ Slagstad 2001 (1998): 240

⁴ Jensen 2013

⁵ Østerud and Matlary 2007

independent of military alliances was from 1905 until 1940, which also was one of the most intensive periods of assimilation policy towards the Sámi, Kvän and Finnish minorities. The era of liberal nationalism and social democracy, from the late 1800s until the late 1900s, were portrayed by Rokkan as a period of steady progress towards inclusion of everyone into a consensual nation-state. This fitted with the ideal model of the Parsonian “grand theory”, the official ideology of the US foreign policy during the Cold War.⁶ Empirically, it was based on the historian Halvtan Koht, who had been a minister in the first social democratic government in 1936. However, with the new developments in legal history, we now know that this optimistic narrative must be strongly modified. Minister-Professor Koht was a visionary nation-builder who contributed to the development of rights and proofs – but his specific synthesis of Nationalist and Marxist historiography fed the development of rights and proofs in a highly uneven way.

During the latter thirty years, Sápmi has had an effective social movement for indigenous human rights. The movement appears to have had relative success in its efforts to influence the course of state transformation in the area. The mentioned reports, published by the Norwegian Ministry of Justice and Police, were no mild gifts from the government. Only through social struggle it became possible to fund research in order to find proofs. The struggle for rights and proofs continues, with minorities-within-the-minority demanding inquiries into their own legal history. The Coastal Sámi have become better organised in the latter decade, and consequently, the legal history of this group is now better researched (or less under-researched).⁷ The Kvän organisations still lack the organisational and financial resources for research, and their legal history remains entirely under-researched.⁸ The uneven development of rights and proofs was introduced by nationalist nation-builders, but it is carried further by a new generation of nation re-builders. The new organic intellectuals of nation re-building try to succeed better – or to fail less dramatically – than the old organic intellectuals of nation-building.

With this study I contribute to the struggle for proofs. The ongoing struggle for rights and proofs is so contentious that whatever scientific research is done on this process is bound to be utilised as proofs in the process itself. The act of observing is not independent from the object of observation. By doing this research I am an organic intellectual of nation-re-building, and thus one of the many committed contributors to the ongoing transformation of the Nordic states. I hope to identify some opportunities that may exist for some social movements to transform states. The Sámi rights movement is an example of indigenous rights movements, which in turn may be seen within the even wider category of environmental justice movements. The study may potentially have

⁶ Hulme and Turner 1990

⁷ Pedersen 2012

⁸ Interview with Aronsen, Terje (Frogner Church, 04.03.2012)

transfer value to other such movements, at other unique locations. The findings may also have potential transfer value within other “universes of cases”, such as processes of nation re-building. European states, within the framework of a two competing trade unions (one Western-European and one Eurasian) strive to come to terms with political claims from regions that claim to have been colonies, internally or externally: Brittany and Kabylia, India and Northern Ireland, are only a few examples. Transnational social movements connect movements from former colonies with movements from former colonial states. Their joint impact may be a process of nation-re-building. I cannot talk on behalf of the Sámi, but I can talk as a Norwegian, and those two peoples are intertwined. Under international law, we are obliged to sort out *both* indigenous self-determination *and* state sovereignty in areas where the territories of Norway and Sápmi overlap. Thus, I can talk as a participant in the Norwegian nation re-building. In the past I have been involved through journalism and history teaching. Now I am involved through political and social science. For me, all science is applied science.

For the indigenous rights movement in Sápmi, there has been a struggle for rights, but also a struggle for proof. Therefore, under each of the four states, the effort to decolonize the body politics has also been an effort to decolonize its associated *body of law*, and its associated *body of knowledge*. There has been a struggle for *rights* and *proofs*. Scientific research has been an integral part of that process. What may political science learn from the experience in Sápmi? How may political participants in Sápmi utilise progress in political science? The *art* of state transformation and the *science* of state transformation enlighten each other and co-evolve. This is *the politics of political science*. In the West-European macro-region, the political system and the political science are both in a state of transition. The *art* and *science* of state transformation are feeding each other. Political systems shape the opportunities for political research. Political science provides resources for political actors.

1.1.2 Political science: transformation of the discipline in Western Europe

For West-European Political Science, changes in the object of study lead to re-thinking of the basic categories for the discipline.⁹ Transformation of the political system feeds transformation of the discipline of political science. Signs of change are seen at several levels in the organisation of the discipline. At the European level the ECPR has re-opened the discipline for research in political sociology.¹⁰ At the level of particular states, some national disciplines are being transformed.

⁹ Olsen 2012; Kauppi 2013

¹⁰ Kauppi 2013.

Norwegian *statsvitenskap* is going through an identity crisis, while a competing cluster of international relations studies re-orientates the research towards transnational issues.¹¹ Transformations within the discipline respond to a series of transformations in the object of study.¹² One such change is ongoing europeanization, with the emergence of intergovernmental institutions, geographical expansion of the EU, trans-governmental policy networks, and trans-national civil society groups. Academics make sense of the new situation, developing various models to trace inter-governmental relations or trans-state governance.¹³ While the European political geography is changing, the forms of participation within this space have multiplied. Interactions between mobilization and institutionalization have produced new channels of political influence, beyond political parties and corporatist organizations. Formal and informal institutions for participatory and discursive democracy emerge.¹⁴ While the European political space is being reconfigured internally, it is also affected by political transformations beyond the European space. Such changes include the globalization of financial and security politics, interdependencies with post-socialist and post-colonial areas, and the rise of the BRIC countries. Global changes include transformation of international law and norms.¹⁵ Some such norms include WTO regulations in favor of free trade, defining the opportunity structure for economic policies. Such norms also include the UN Security Council using individual human rights as a pretext for military interventions in post-colonies.¹⁶ On the other hand, UN norms on collective human rights are product of input from postcolonial states and indigenous movements.¹⁷ All human beings have a right to freedom from systematic cultural and ethnic discrimination, according to §27 in the International Covenant on Civil and Political Rights (ICCPR).¹⁸ As a result of the systematic discrimination under the existing states, as well as the continuous cultural resistance to that discrimination, population groups like native Americans, aboriginal Australians, and the indigenous groups in Sápmi, have become socially relatively bounded "peoples". Consequently, the UN suggests that indigenous peoples, as also state-building peoples, enjoy the right to popular self-determination in accordance with §1 of the ICCPR, and also in accordance with §1 of the International Covenant on Economic Social and Cultural Rights (ICESCR).¹⁹ Many indigenous homelands are shared between several states, and thus, there is some ambiguity in international law between the state right to sovereignty and the indigenous right to

¹¹ Olsen 2012; Friedrich 2012

¹² Olsen, 2012.

¹³ Kauppi 2013 *ibidem*; Polack 2010.

¹⁴ Della Porta 2011; Dryzek 2006

¹⁵ Neumann & Sending 2010

¹⁶ Semb 2000

¹⁷ Rosas & Scheinin 1999: p. 52; Riedel, Giacca & Golay 2014: p. 6-8; Cismas 2014: 452-453. For an elaboration of the argument, see part 2.1.1, in particular, the long footnote regarding the *decolonisation of human rights law*.

¹⁸ UN 1966a, Scheinin 2000

¹⁹ UN 1066a, UN 1966b, Anaya 2004

self-determination.²⁰ Additionally, the ICESCR has left a tension between free trade norms and the economic rights of subaltern groups.²¹ The global normative order is ambiguous, and a field of discursive contention. Liberal constitutionalists in the tradition after Kant hope that international norms may overcome the so-called “anarchy” between states.²² Others point at the unresolved relations between norms and war in global politics.²³ On the European level, external relations may be exemplified by the Frontex police force and the military intervention in Libya, while internally, Europe has a tendency towards cosmopolitan constitutionalism: The EU Fundamental Rights Agency (FRA) monitors human rights breaches in the member states. Ethnic minorities enjoy increased protection against persecution with the European Commission's Framework Convention on the Protection of National Minorities (FCNM). Additionally, ecological livelihoods across state boundaries enjoy increased protection with the EU Water Framework Directive (WFD). To sum up: within Europe, the nation-states have given away their exclusive right to represent and protect their populations, and that changes the forms of political participation, but also those of democratic deficit. First the new forms of participation: Policy making takes place at multiple social-ecological levels of aggregation.²⁴ Thus, political participation finds additional pathways locally and transnationally.²⁵ Constitutional norms are instituted at various scales.²⁶ Thus, legal controversies are addressed at multiple scales as well, both locally and transnationally.²⁷ Then the new forms of democratic deficit: In a system of nation-states, issues that were considered pivotal for the existence of the sovereign body politic were exempted from open public deliberation or direct democratic control. Now, however, the EU-FRA, FCNM and EU-WFD all give increased protection to transnational minorities and livelihoods, previously divided by state borders. In the new Europe, financial and security policies are determined by WTO and NATO, where the agenda is being set by the dominant economic and military partners. Tasks of the police and the military are being amalgamated, and it is unclear what political actions should be defined as threatening to the integrity of entangled sovereignties.²⁸

Political scientists respond to the changed political environment in various ways. For some, renewed empowerment of national sovereignty is the most viable way to defend popular self-determination.²⁹ Thus, European political scientists still study national party systems, perceived as

²⁰ Anaya 2004: p. 7

²¹ Riedel, Giacca & Golay 2014

²² Held 2004; Held & McGrew 2007

²³ Dryzek 2006, final chapter

²⁴ Ostrom 2007; Ostrom & Cox 2010

²⁵ Della Porta 2011; Dryzek 2006

²⁶ Held 2004

²⁷ Bailey & Mattei 2012

²⁸ Buazan, Wæver & Wilde 1998

²⁹ Bickerton, Cunliffe & Gourevitch 2007

the more relevant channels of democratic power.³⁰ Others, however, claim that sovereignty is not under threat, but has been transformed into a complex geographical patchwork, enabling popular self-determination at diverse geographical levels, and especially in sub-state regions.³¹ Thus, European political scientists also synthesise political-sociological studies on state transformation and new forms of political power.³² Both research fronts contribute to the further development of the discipline. Comparative studies of voting operate within clear assumptions of conceptual validity, but within that framework they deduce hypotheses, and test patterns of regularity with methods of increased internal validity. Within the limitations of assumed conceptual validity, they contribute to quantitative accumulation of knowledge within the discipline. Contemporary political sociologists venture beyond those assumptions of conceptual validity, and utilise a *mélange* of methods to identify possibilities and develop new hypotheses. Within the limitations of weak internal validity, they contribute to the qualitative transformation of the discipline. Those may be seen as two complimentary efforts in the further development of the discipline. Organisations like the ECPR provides infrastructure for those who contribute to the quantitative refinement of the already constituted discipline, as well as those who contribute to the qualitative re-forming of the discipline. Thus, while the discipline increases its internal validity within the premises that have been constituted, the discipline re-constitutes its basic premises by research regarding conceptual validity. The boat is being re-built in open sea.

1.1.3 Political practice: state transformation in areas where Norway and Sápmi overlap

Particularly challenging for the established analytical framework of European political science is the issue of *indigenous self-determination*. Peoples that are recognised as indigenous people by the UN enjoy the right to collective self-determination according to the human rights declarations ECCPR (§27 and §1), and ICESCR (§1).³³ Academics have claimed that these covenants are not relevant for any regional movement in Europe to claim self-determination.³⁴ That claim is incorrect. One may discuss whether Sápmi is an exception to the rule, but nevertheless, this case proves the possibility that the ECCPR/ICESCR are very much relevant to claim self-determination in a region of Europe. The Sámi are the only indigenous people in the EU, but Europe also include the Inuits of Greenland and the Nenets of North-West Russia. There are several smaller ethnic groups in the Nordic area and in European Russian who claim status as indigenous peoples. Whether they deserve

³⁰ Mair & Bartolini 2007

³¹ Ilgen 2003

³² Kauppi 2013

³³ UN 1966a, UN 1966b, see also Anaya 2004, Scheinin 2000, Scheinin 2004

³⁴ Kymlicka 2006

UN recognition as indigenous peoples is an empirical question. The same is the case for the Basque. We cannot rule out of the picture that the struggle for rights and proofs may lead to more peoples in Europe gaining status as indigenous. Even within Sápmi, the homeland of the Sámi, it is unclear exactly which kinship groups should be defined within the category of indigenous people. It is a basic truism that one person can be ethnically and culturally part of both the indigenous community and also a state-building nation. What is contentious is the status of several smaller linguistic groups, such as the Coastal Sámi, the Skolt Sámi, the Kväns, the Lappalainen... Social boundaries between different ethnic groups are seldom clearly defined.³⁵ It may also be difficult to distinguish between discrimination on the grounds of race and class, respectively. In this research, I have tried to use the expression “indigenous peoples of Sápmi” rather than specify which kinship groups are indigenous and not. I do make a case for the Coastal Sámi in this thesis, but I have not had the capacity to do any research on the Kväns, the Lappalainen, or other minorities-within-the-minority.

The constitutional power of the Sámi indigenous rights struggle has been quite literal with regard to areas where Sápmi overlaps with Norway, the state that hosts the largest portion of the Sámi population. A constitutional amendment from 1988 declares that the host state is obliged to enable the Sámi people to protect and develop their own language, culture and society. With this constitutional amendment, the Norwegian political entity has changed. It is no longer a nation-state, at least not a “uni-national” state.³⁶ But whatever it has become is something yet unknown.

An inaccurate interpretation is that the state has been funded upon the territory of two peoples. *Firstly*, there is only a partial geographic overlap between the territory of the Norwegian state and the extension of the Sápmi homeland. Other parts of Sápmi are under three other “host states”. *Secondly*, ethnicity in the area is complex: many persons have multiple ethnical belongings, each of the peoples contains a rich internal diversity, and there are many hybrid cultural forms. Thus, there are no clear-cut boundaries between the different peoples, in spite of some languages being mutually unintelligible. Thus, it is not easy to delimit any specific *demos*, or a people with the right to self-determination.

The UN interprets its own human rights covenants ICCPR and ICESCR as recognising *both* a state sovereignty *and* indigenous self-determination in the areas where Sápmi and the states overlap.³⁷ It is crucial that in international law, political self-determination does no longer imply state sovereignty. This calls for political experiments with territorially overlapping forms of political self-determination. In any case, Sápmi is linguistically and culturally rich, and even though the Northern Sámi are the majority in Inner Sápmi, the rest of the territory includes a number of

³⁵ Eriksen 2010b

³⁶ The term “uni-national state” is a critical term to describe the “one nation, one state” norm. The term was developed by political theorist Wayne Norman (2006). Thanks to Rainer Bauböck for this reference.

³⁷ Anaya 2004: p. 7

minorities and minorities-within-the-minority, for example Coastal Sámis and Kväns. Even the concept of indigenous people, according to the UN, implies that different peoples are woven into each other. “Indigenous peoples”, according to the UN, are peoples who lived in the area before the establishment of the existing states, but still have been subject to systematic discrimination under the existing states.³⁸ This means that a process of internal colonisation and ethnic discrimination is what makes a population group qualify as “indigenous people”. The purpose of indigenous rights is to heal the harm made by such historic racism. However, the implementation of such rights is still at an experimental stage.

1.1.4 Transfer value: the co-evolution of political practice and political science

The *art* and *science* of state transformation are feeding each other. Political systems shape the opportunities for political research. Political science provides resources for political actors. Some political scientists have observed that changes in the object of study have caused political scientists to re-think basic analytical categories such as sovereignty and citizenship.³⁹ The attempted decolonisation in Sápmi is taking place in the present. Still, progress in historical research has led to *revised knowledge about the past*. Likewise, changes in jurisprudence have led to *new prescriptions for the future*. If the Nordic states once appeared as successful examples of national democracy, it has now become evident that liberal nationalism not only facilitated democratisation, but also internal colonisation.⁴⁰ When the ICCPR and ICESCR now prescribe both state sovereignty and indigenous self-determination, then it might be seen as an attempt to push democratisation beyond the ethnocentric biases of the uni-national state form.⁴¹

What kind of transfer value may experiences from Sápmi have? That may depend on which aspects we emphasise, and how we define the context. The experience from Sápmi shows that claims that appeared as extreme one generation ago might prove to have been quite justified. In struggles for rights and proofs, it is may be difficult to predict who might turn out as the moral winner. There are several relevant examples within Europe. Some regionalist movements take place at European soil: Basques make claims against France and Spain, Northern Irish against Great Britain. In Greenland, Inuits make claims against Denmark, and in to the northwest of the Ural Mountains, various Finno-Ugric peoples make claims against Russia. Independentists in Brittany

³⁸ Anaya 2004

³⁹ Kauppi 2013; Olsen 2012

⁴⁰ Pedersen 2010

⁴¹ Anaya 2004: p. 7

protest against French policies that they frame as “internal colonisation”.⁴² Peasants in Eastern Europe, in the Balkans, and in Southern Italy claim to protect local commons and local communities against “land grabbing”.⁴³ Macroregional political arrangements may be facilitative to microregional movements. In Europe, there are two such macroregional arrangements. One is West-European, with the European Union, its inner market EEA and the military alliance NATO. The other is Eur-Asian, led by the Russian Federation, the trade union CES and the military alliance CSTO. For microregional movements, the macroregional arrangements may provide pull-factors, in the form of multi-level politics, and push-factors, in the form of resource extraction. The Basque Country and Northern Ireland are regions that may experience less trouble with the emergence of macro-regionalism. Sápmi and Crimea are regions located at the boundaries between macro-regions, but in two highly different situations. Regionalist movements are sometimes accused of a “not-in-my-backyard” (NIMBY) syndrome, a lack of solidarity with wider population groups.⁴⁴ But such accusations may be turned around in cases where the region has experienced underdevelopment as a direct result of resource extraction by businesses based in more prosperous locations. Some regionalist movements also go beyond the localist focus by joining forces with similar movements, on the basis of global justice claims.⁴⁵ Transnational alliances are built in European and Global Social Forums, and with INGOs such as Via Campesina and FIAN.⁴⁶ Thus, a transnational “movement for the commons” has emerged.⁴⁷

This universe of phenomena may be framed in various ways. One common denominator could be that they all are cases of *environmental justice struggles*. Alternatively, one may see them all as cases of *processes of nation-rebuilding*. They may also be seen as efforts at *restorative justice*. Each of those partly overlapping framings refers to rather wide categories of cases, and within their field of overlap we find the much more specific category *indigenous rights movement*. However, it may also be hard to predict whether the Kväns, the Karels or the Basques will gain recognition as indigenous, since this in principle is supposed to be an empirical question. In practice it is the unpredictable possible outcome of a struggle for rights and proofs. Still, regardless of who eventually will become included in the narrower category of indigenous rights struggle, experiences from Sápmi may nevertheless have some transfer value to other unique locations that are defined within the wider universe of cases.

Political research on such movements is not simply an academic exercise. It also involves profound epistemological and ethical challenges. *Firstly*, yesterday’s scientific truth may become

⁴² Lafont 1969

⁴³ Briganti 2014; Pokret za Slobodu 2013. Thanks to Milenko Srećković for this reference.

⁴⁴ Della Porta & Piazza 2008

⁴⁵ Della Porta & Piazza 2008

⁴⁶ FIAN 2012; Borras & Franco 2012; della Porta 2009; Berlingeur & Trotta 2005

⁴⁷ Mattei 2011 (See also Negri 2012 for a different conceptualisation of the common(s).)

tomorrow's ideological myth. The intimate connection between public memory and democratic transition has been observed by specialists in Spanish and Latin American politics.⁴⁸ In Sápmi, the *struggle for rights* is also a *struggle for proof*, for example with the Norwegian Sámi Rights Commission publishing new proofs about legal history.⁴⁹ Thus, political research has political consequences. How should the political researcher handle that? It poses an epistemological and methodological challenge. *Secondly*, terms like “colonisation” and “land grabbing” are challenging because many anti-colonial struggles become rather violent. In Franz Fanon's bold generalisation, “la décolonisation est toujours un phénomène violent.”⁵⁰ If that is so, it is because *colonisation* is a violent process. In the Chiapas region in Mexico, some indigenous people have formed in the EZLN guerrilla group, while in Sápmi, the indigenous people have been reluctant to answer violence with violence. However, in both cases, states use coercive force to police state laws. The coercive capacity of states is not unproblematic, especially not in cases when it remains contested how international law actually applies regarding use of land and water. The struggle for rights and proof may imply a struggle about how to apply institutional violence. How can a political researcher relate to that? This poses an ethical and strategic challenge. *To sum up, it is challenging* for the political researcher, both ethically and epistemologically, to contribute to proof-finding and to use value-laden terms, when the struggle for rights is also a struggle about how states should direct their coercive force, and even is a struggle to find proofs. Simple answers may be hard to find. The experience from Sápmi shows that what might be stigmatised as extremist activism in one historical situation may prove, one generation later, to have been both justified and moderate. It is hard to know when this experience has transfer value. Today, indigenous peoples in Sápmi, Siberia and Canada protest against the oil and gas industries, industrial mining, and industrial fisheries. All are framed as threats to local livelihoods in the vulnerable Arctic ecosystems and livelihoods. Such activism is often labelled as “radicalisation”, “hooliganism” or even as potential terrorism.⁵¹ But it may be hard to predict how those movements will be perceived one generation from now. This is what the political researcher should be cautious about, ethically and epistemologically, at least if the purpose is to contribute to restorative justice.

This is a study on the art and science of state transformation. I observe a struggle for rights and proofs, and since this observation results in some proof, my research is bound to become applied as a resource in the struggle for rights and proofs that I observe. Instead of pretending to be detached, I try instead to take full responsibility for how my research may be (mis)used. Data have

⁴⁸ De Brito, Enriques & Aguilar 2001. (Thanks to Mariana Mendes for the reference.)

⁴⁹ Norwegian Official Report 1997a (NOU 1997:4); 1997b (NOU 1997:5); Norwegian Official Report 2007a (NOU 2007:13); 2007b (NOU 2007:14)

⁵⁰ Fanon 2002 (1961)

⁵¹ Ahmhed 2014; Ballovara 2014

been gathered from local communities through participant observation. Writing is payback time, and this text feeds back into the local communities. Thus, by writing up the thesis, my role as researcher goes from that of participant observer, to that of observant participant. That is why I choose to inquire research some of the many questions that I hope are relevant for specific social movements for restorative justice, who need to empower themselves for potent political action, while at the same time avoid attracting violent suppression.

Political science in Western Europe has a rich literature on *state formation*, though this research was discontinued after the neo-positivist and post-structuralist critiques. That is because such research deals with macro-historical processes, and since change at the macro level cannot be observed directly, such research tends to be (even) more model-dependent than other political research. Some applied bold hypotheses about the course of history, what Popper calls “historicism”.⁵² During the period of bi-polar geopolitics, both superpowers justified their meddling in foreign affairs with historicist “grand theories”. Messianic hope was used to justify revolutionary violence, either in the name of liberalism, or socialism. The ideological bias of such grand assumptions was the main target of the neo-positivist and the post-structuralist critiques.⁵³ Even though the ideologies were dead, this did not prevent neoconservatives of letting it live as a zombie.⁵⁴ But the left, however, “chastened by the disasters of the 20th century, has largely moved away from its older celebration of revolutionary violence”⁵⁵ There are some good reasons why the political science of state formation was discontinued. On the other hand, the state builders still apply the science of yesterday in their efforts of today.⁵⁶ This is particularly problematic in a globalised and postcolonial world, because of the old theory is based on a specific *spatial selection bias*. The endogenous national history of former colonial nations (which defines away the exogenous ties to the former colony) is used to generalise also regarding areas which are not former colonial states (including the former colonies).⁵⁷ The rest of the world remained systematically under-researched (and so do colonial interdependencies). The collective effort to overcome this gigantic selection bias requires much labor, and is not done overnight.⁵⁸ Thus, the spatial selection bias is temporally path dependent. In less technical terms: the discipline is encumbered with a colonial heritage. Some colonial subjects were defined into presumably inferior civilisations. This is

⁵² While Karl Popper is known as an anti-communist, he was in fact opposed to ideological dogmatism at both sides of the Iron Curtain. He wrote: “My analysis of the role of prediction and prophecy could [...] be described as a criticism of the historical method of Marxism. But in fact it does not confine itself to that economic variant of historicism which characterizes Marxism, for it aims at criticising the historicist doctrine in general.” Original version: Popper 2002 (1967): 452. Danish translation: Popper (1945, 1963) 1973:80.

⁵³ Popper 2002 (1967); Derrida 1967

⁵⁴ Roy 2009

⁵⁵ Graeber 2012

⁵⁶ Dryzek 2006: final chapter

⁵⁷ Sidaway 2008

⁵⁸ Chakrabarty 2000

what Edward Saïd found among the earlier generation of orientalists.⁵⁹ But some other colonial subjects were defined as not even cultivated: they were seen as living in a “state of nature”, as peoples “without history”.⁶⁰ Consequently, it was also assumed that they had no laws and that their homeland could and should be conquered and cultivated. They were “peoples without geography”.⁶¹ In legal theory, this justification for colonisation is called the Terra Nullius doctrine, and it was rejected by the Haag Court in the 1970s.⁶² It has been used to justify the acquisition of land and water from the Sámi.⁶³ Norway and Sweden adopted this argument from West-European colonial states, while the Russian Federation and Finland used less nationalistic forms of the same argument. This means that Sápmi is an inter-boundary region where the history of the EU area overlaps with the history of the post-socialist area, while both overlap with the history of the postcolonial world. That is sufficient to blow one's mind regarding the conceptual validity of basic analytical concepts in West-European political science. Already before the fall of “grand theories”, some West-European political scientists tried to inquire about issues of *internal colonialism*, and hence, they were forced to stretch their respective grand theories. Gramsci diverted from the orthodox Leninism of the Third International when he observed the subaltern peasants of Southern Italy as “colonised” under the state formation.⁶⁴ Rokkan had to amend the orthodox Parsonism of the Marshall Aid program when he and Urwin, as a direct response to the debate on “internal colonialism” started to inquire about centre-periphery cleavages within Western Europe.⁶⁵ Rokkan came from “a periphery of a periphery”, the Lofoten islands in Norway.⁶⁶ This is an ethnically Norwegian community close to the South-Sámi cultural area, and in some of his very last writings, Rokkan raised the question that “Lappish” society might actually have survived, in spite of apparent assimilation into the majority language.⁶⁷ But after the collapse of “grand theories” such research may seem even more challenging, if not impossible. It is a tremendous task to overcome the colonial heritage of the discipline. The spatial selection bias is gigantic, and to overcome it will require so much time that it is bound to remain temporally path dependent. In other research I have tried to delve into those issues regarding areas where Norway and Sápmi overlap.⁶⁸ But in the present study, I keep a more local and particular focus. I limit the scope to some of the particular ways whereby social

⁵⁹ Saïd 1978

⁶⁰ Wolf 2010 (1982)

⁶¹ Howitt 2003

⁶² Halonen 1981 (citing International Court of Justice Reports 1975)

⁶³ Pedersen 1999

⁶⁴ Laclau & Mouffe 2001 (1985): 66, 54-55, 59. For more on the Gramscian alternative, see Gramsci 1919; Gramsci 1930; Spivak 1988; Ekers, Hart, Kipfer & Lofthus 2013. For an attempt to further decolonise the Italian reception of Gramsci, see Capuzzo & Mezzadra 2012. For critical appraisals of orthodox marxist-leninism, see Wolf 2010 (1982).

⁶⁵ Rokkan and Urwin (eds) 1982: 1-2

⁶⁶ Caramani 2011

⁶⁷ Rokkan 1983, excerpt re-printed in: Rokkan & Flora 1999: 196, 208

⁶⁸ Jensen 2013

movements may have impact on ongoing state transformation.

In order to provide a reliable, evidence-based contribution to the art and science of state transformation, I have engaged with the political and social sciences. From there I have mobilised conceptual and methodological resources. This thesis is my payback to the discipline, like it is also my payback to the local communities that have shared their own food and information with me. Thus, I also try to provide a particular contribution to our collective effort of further developing the scientific discipline. But that contribution is no goal in itself. To participate in political science is relevant only to the degree that it is useful for political practice, the struggle for rights and proof.

More precisely how I try to involve the development of political science in the struggle for rights and proofs will be addressed after I have defined the research problem.

1.2.0 Specific Puzzle: paths of constituent power in Sápmi

1.2.1 The object of observation

The object of study for this dissertation is titled “State Transformation in the High North”. The spatial and temporal delimitations of the object are, however, more specific.

The study deals with state transformation in some *areas* in the Arctic periphery of Europe, in a *period* where one regional indigenous rights movement has had some success in compelling their host states to implement indigenous human rights.

The selected *geographical area* consists of two particular watersheds, Alta and Deatnu, both found in Sápmi, the traditional homeland of the Sápmi people, which is the only cultural group in the EU that has been recognised as “indigenous people” according to the UN law.

The selected *historical period* is four particular decades 1970-2012, which includes the latest political mobilisation of the Sámi, and the start of effort being made to bring state laws in line with recent international norms, by sorting out which local customs had been unrightfully criminalised by the host states.

The two selected watersheds, Alta and Deatnu, are bioregions. They are relevant for the management of particular natural resource systems that are spatially distributed in watersheds, such as fishing. The two selected watersheds have an increasing significance for state-codified natural resources management, as a result of recent multi-level legislation on environmental protection and indigenous rights. The selected watersheds also used to coincide with some boundaries in the ancient tribal confederacy of the indigenous Sámi people, and recent proof shows that the ancient

customs inherited from this political order has been continuously maintained as actual, informal natural resources management “in the shadow” of the states.⁶⁹ The two selected watersheds connect some of the core areas of the Sámi traditional homeland, Sápmi, with some of the Barents Coast, where culture has been rather more shaped by state-led nation-building and market capitalism. The extension of Alta and Deatnu Rivers roughly coincide with the extension of six municipalities; four under Norwegian control, and two under Finnish control. The emergence of municipal democracy has been central topic in the political history of both states. In the Alta and Deatnu water areas, the municipal boundaries coincided to some extent with the boundaries of the ancient tribal confederacy, and some of the local politics is channeled through the municipal democracy. However, to some extent, the municipal borders were also drawn in a way that divided and conquered the ancient spatial order. For example, the ancient Ohcejohka *siida* was divided between the municipalities Utsjoki and Tana, the one Finnish, the other Norwegian.⁷⁰ Nation building led to the accommodation of local customs in the cultural core areas of the Norwegian and Finnish peasantry.⁷¹ But in the cultural core areas of the transnational Sámi nation, the policy was criminalisation, not accommodation of ancient local customs (Pedersen 1999, 2012). In the history of Norway, a golden age of parliamentary and corporatist democracy started with the adaptation of parliamentarianism in the 1880s, and ended with the fall of the social democratic consensus in the 1980s. That very century, however, was also a dark age of eugenic assimilation. Thus, nationalism was a premise of democratic solidarity as well as for ethnic chauvinism.⁷²

The Alta watershed from 1970 until 1980 is a relevant area and period to exemplify the *emergence* of the state transformation being examined. The latest wave of indigenous mobilisation in the Sámi homeland emerged among the post World War Two generation, and got a boost from 1970, with a conflict about hydropower development in Alta River. The Alta dam conflict was an event that lasted from 1970 until 1982. It coincided with the beginning of a political process at multiple levels, whereby indigenous human rights were enacted by the UN, and adapted by some “host states” in Sápmi. Thus, each “host state” recognised its duty to protect peoples that were systematically marginalised during the establishment of the state.⁷³ This implies that it is the duty of the states to protect the right of those peoples and to preserve and develop culture and ways of life,

⁶⁹ Norwegian ministry of Justice and Police 1997; Norwegian ministry of Justice and Police 2007

⁷⁰ On the map (*de jure*) if not in practice (*de facto*), most of Ohcejohka *siida* was divided between two kingdoms in 1751, with a border drawn as far north as Lake Buolbmát in the Deatnu River valley. The border was drawn further in 1826. From 1751 until 1852 the states would still accept that the local indigenous people had longstanding rights to use the land and resources across the border, and local trade with peoples at the Russian side would continue until 1917. However, such boundary making did not automatically translate from theoretically claimed authority, to obedience in actual practice. For a more detailed historical geography, see part 5.2.5, and for a map, see Figure 5-5.

⁷¹ Sandvik 1998

⁷² Jensen 2013

⁷³ Anaya 2004

the very cultural forms that those very states had been suppressing during the attempt to foster homogeneous national cultures. Translating such norms to practice may at some times and places be a complicated and contentious process.

The Deatnu watershed from 1980 until now is a relevant area and period to exemplify the *preliminary results* of the state transformation under study. During the latter three decades, several Sápmi has had several test areas for such political transformations. The Deatnu watershed is a particularly relevant example, because of its specific geographical location, and its specific bio-cultural richness. *Firstly*, Deatnu has a great biological diversity, as one of the largest spawning rivers for North Atlantic salmon (Salmon Salar). *Secondly*, Deatnu has a great cultural diversity. It is located in the core area of Sápmi, but is also divided between the Norwegian and Finnish host states. Therefore, in practice the river is shared between two states, but also between three (or more) nations. Most inhabitants are bi- or trilingual, speaking Sámi, Norwegian and/or Finnish. Since times longstanding, the local population have utilised the local salmon stock, resulting in a rich heritage of unique local lore and local customs. The culture of natural resource usage is central to the debate on indigenous rights. It touches the issue of *territorial self determination*, as well as the question of how state-funded science relate to other forms of *knowledge practices*.

1.2.2 The act of observing

The issue at stake with the chosen object of research is *not* as “strong” as the right to form a nation-state, but *neither* is it only the “weaker” right to speak a particular language. The most controversial issue at stake is *the collective right to use natural resources*. Recent human rights legislation has expanded the right to self-determination from state-building peoples, to also include those «tribal and indigenous» peoples who have been systematically marginalised during the establishment of the existing states. In fact it is misleading to place this in-between a “weak” right to culture and a “strong” right to statehood, because the emergence of collective human rights provides an entirely new legal basis for the right to self-determination. Since the reality is, that different *demoi* live side by side, especially in post-colonial areas, the old notion of “one state, one nation” easily leads to ethnic cleansing, segregation, or assimilation. By contrast, the new notion of geographically overlapping systems of self-determination is an *effort to democratise nominal democracy*, towards an even stronger notion of democratic self-rule. As the Sámi have been recognised by the UN and the ILO as an “indigenous people”, the interesting question is *not* who came “first” (which may be a meaningless question, because all communities change over time), but *who has been subject to systematic discrimination under the existing state formations*. Indigenous human rights regard the

right to language, but also the right to *heal the harm* done by *economic resource grabbing*. This is the *most contentious* part. It includes asymmetrical socio-economic conflict. It even includes asymmetrical conflicts to define hegemonic norms, to disseminate knowledge, and even struggles to set the agenda for empirical scientific research. There is a struggle for the right to control natural resources, a form of *economic real goods*. There is also a struggle for the capacity to collect and spread *knowledge about the real*. Competing interest groups push for competing research interests. Science itself becomes politicised because in this political struggle, *proofs* and *rights* are at stake. In the process of state formation in the far north, the demand for proofs is so eager among the involved political participants that it may be practically impossible to prevent that research at PhD level is being instrumentalised. In *such a situation*, all science is bound to be applied science, while all application is bound to be political. Thus, politically detached science is an unrealistic utopia. For me as a researcher, the unavoidable instrumentalisation of science is an ethnical challenge, even an existentialist dilemma.⁷⁴ The dilemma was not solved until I read Law & Singleton's response to Donna Haraway's radical-feminist critique of relativistic forms of science studies.⁷⁵ Like her, they argue that one should “stay with the trouble”, and search for the unexpected forms of power and empowerment. Inspired by this advice, I chose as my guiding imperative the proverb “*take the bull by its horns*“. Instead of *beating around the bush*, I wished to identify the core of the problem, and to confront it head on. I wanted to *hunt down* the *very most challenging* issue. I'm out for big game; the *Minotaurus* of the labyrinth. The collective right to use natural resources emerged as the seemingly most controversial issue. It may also be formulated in alternative and even more pointed ways. Through my fieldwork in water areas Alta and Deatnu and beyond, I learned of some issues of contention that I had not been aware of during my life in the capital city. Gradually, I got access to private conversations, after I had switched research technique, from qualitative interviews to participant observation. In such situations, away from public eye, I could hear even some of the most state-loyal political entrepreneurs among the indigenous people whisper: “actually, it is still a colony”. There are no systematic data on the prevalence of such *secret whispers*, and by its very discretion, such a secret whispers evade the scrutiny of surveys. However, this isolated example sharpened my sensitivity for similar messages. Some more examples will be given in my thesis. After being in the field I feel rather confident that other ethnographers will find many more similar examples. Without quantitative data on the exact prevalence of such views, I still think there is reason to expect that they might be rather widespread in certain areas. In any case, the very existence of such views is in itself relevant.

⁷⁴ In order to write up my research I had to make ethical choices. For being able to do so I owe thanks to my clinical philosopher / psychiatrist, professor Giovanni Stanghellini – as well as to the existentialist philosophical tradition: Østerberg 1993; Moi 2000; Fanon 2002 (1961); De Beauvoir 2000 (1949); Sartre 1996 (1946).

⁷⁵ Law & Singleton 2012

Now I have raised several issues about the basic assumptions of the political and social sciences. Similar issues were discussed by the “Gulbekian Commission on the Future of the Social Sciences” in their report.⁷⁶ Three of the four points they made were the following: (a) using the nation-state to define analytical systems boundaries is empirically misleading; (b) the division of labor between social, natural and human sciences is empirically misleading; and (c) assuming a separation between the object and act of observation is empirically misleading. Such issues are being addressed in the metatheoretical and methodological debates of recent approaches to political and social sciences. (Three examples will be discussed in Chapter 3: the SES framework, the ANT approach and the postmodern Machiavelli.) The necessity to overcome “methodological nationalism and statism” (issue a), and the need to transgress the boundary between natural, human and social sciences (issue b) are challenging enough. However, what is *much more challenging* is to take into account the relation between the object and the act of observation. Empirical inquiry includes (i) the object of observation and (ii) the act of observing, and the relation between them is not only i (in)forming ii, but simultaneously, ii (in)forms i. This has nothing to do with “cultural relativism”, which is the dogmatic assumption that each culture is internally coherent and externally incommensurable.⁷⁷ But it has a lot to do with what the nuclear physicist Niels Bohr called “complimentarity”,⁷⁸ and also with what the human scientist Donna Haraway calls “positionality”.⁷⁹ It is enlightening that Bohr refused to serve the nuclear program during the cold war, and instead engaged in peace activism with other nuclear scientists from the antagonistic political bloc.⁸⁰ In-between the physical and the political sciences, Norbert Wiener, a founder of cybernetics, also deserted from the cold war.⁸¹ The political and social sciences may be less obviously instrumental than cybernetics or nuclear physics, but the affinity between political strategy and political analysis may be even closer. *It does not matter* whether the political and social scientist chooses the neo-positivist or the post-structuralist paths, or both, and they may be complimentary.⁸² However, *what does matters* is whether or not political and social scientists try to cultivate awareness of the actual symbiosis between the act of observing and the object of observation: the politics of political science. Trying to be explicitly aware of the interdependency of political practice and political science is to strive to avoid concealing this relationship, and thus, to strive to avoid reducing science to mere propaganda.

Because of ethical reasons, I choose this as the first and major principle guiding my research

⁷⁶ Wallestein 1996

⁷⁷ Eriksen 1993

⁷⁸ Bohr 1938; Brock 2000

⁷⁹ Haraway 1991. In my view, Haraway (1991) and Bohr (1938) both give refined responses to the relativism-realism debate. Thus, neither of them would be acceptable for a naïve realist.

⁸⁰ Brock 2000

⁸¹ Wiener 1983 (1946)

⁸² Jensen 2000

design. In this study I have tried to observe and present the political positionally and residual colonial bias in my own observations, and at the same time, I have tried to observe how progress in state-certified sciences has co-evolved with the process of state transformation.

1.2.3 Specifying the purpose with this research project

When I presented the general theme for this research, I started arguing that the purpose was to contribute to the art and science of state transformation. I would do this by tracing some possible paths to transformative power, and also, some ways to avoid violent suppression. This I would do to serve practical needs of the indigenous rights movements in particular, the environmental justice movements in general. Let me specify this. This is a study in the *art* and *science* of *constituent power*. This is a term from constitutional theory, referring to how constitutional order is being made, maintained and re-made. *The art* of constituent power includes all the strategies pursued by social actors when they empower themselves to re-constitute some political opportunity structure. *The science* of constituent power is to observe all such strategies systematically. There is a symbiosis between those two, the art and the science. For *the science* of constituent power there would be no research questions, and no research funding, without the art. For *the art* of constituent power, there the actual opportunities would appear even more obscure, unpredictable and uncertain without the science. The science is a means for the art. In the uneven development of rights and proof, the already constituted body of law may be biased, but the already constituted body of knowledge may be biased as well. Since knowledge always remains limited, we never have any guarantee that our knowledge is not biased. To do scientific inquiry is to do discover facts that were unknown; it is an endless effort to overcome prejudice, to become slightly less prejudiced. Therefore, *scientific proof-finding* is in itself *one of the paths of constituent power*. It is a way of getting involved in the struggle for rights and proofs. Proofs emerge from *knowledge praxes*. Rights emerge from *customary praxis*. Both categories refer to various paths whereby constituent praxes are executed, maintaining or transforming constituted order. However, if a movement succeeds in re-constituting the official norms and knowledge of a state, this also has consequences for how the state uses coercive force. The uneven development of norms and proofs is being translated into an uneven application of *coercive force*. This category refers to a third path of constituted praxes and constituted order. What is challenging for the political scientist is that *customary praxes* do not constitute the one only path to constituent power. The constituent power of *knowledge praxes* is epistemologically challenging, because it implies that scientific proof-finding feeds into the struggle for rights and proofs. The constituent power of *coercive force* is ethically challenging because the

state's (uneven) application of coercive power is informed by the (uneven) development of rights and proofs, to which the scientist herself is contributing. I will return to the *practice* of those entangled paths in 2.4.1, then to the *science* of the same paths in 3.4.1, and these discussions decide the parameters for the methods chapter (4.0.0). When I study the art and practice of constituent power, I not only provide proof that feed the ongoing struggle for rights and proofs. Additionally, I also mobilise conceptual and methodological resources from the discipline of political and social science. I also try to contribute to the discipline, to the degree that such a contribution seems relevant for the practical purpose. To trace *constituent power* is a focus that allows the political researcher to trace the “sinews of power”, the relations that connect collective action with ongoing state transformation. *On the one hand*, collective action is conditioned by the already constituted “opportunity structure”, including state laws, international norms, indigenous customs, etc. *On the other hand* collective action feeds back into the environment, and may potentially provide input into the ongoing development of state laws, international norms, indigenous customs, etc. On an individual level, there is not much each person can do alone to influence the political environment. However, singular persons are seldom totally individualised. Virtually everybody is part of some family, some circle of friends, kinship-network, neighbourhood, economic enterprise, church congregation, party organisation, social movement, etc. Through collective action, individual persons may (or may not) congregate in rather wide coalitions, and empower themselves together, so that they can obtain the capacity to define the policy agenda, or the research agenda. When acting in concert, the struggle for rights and proofs may (or may not) ultimately lead to re-constitution of a given body of law (or norms), and a given body of knowledge (or lore). Then, it has profound consequences for the ongoing (but uneven) development of rights and laws in a political system, and thus, for the (uneven) application of coercive force in that political system. That is the art of state transformation, and the constituent power of social movements. While the research on state formation was discontinued (see 1.1.4), research on *social movement action* blossomed. Around 1989, the post-marxist researchers from Western Europe congregated with resource mobilisation theorists from North America, and constituted a North-Atlantic network of social movement research. This particular community of social movement researchers became established in the institutions of Western-European political science, such as the ECPR. But the *constituent power* of social movements was an issue that became as discontinued as the research on state formation. This topic has only recently returned to the research agenda.⁸³ I will return to this debate in much more detail in 2.3.0, and continue it in 2.4.0, and in 3.4.0. This will become a main red thread through this inquiry. For now, only one general observation is sufficient. Most of the

⁸³ Bailey & Mattei 2012

writers in this field limit their interest to *reformist movements* that are neatly *contained* within the confinement of *already constituted power*. For example, when Tilly, Tarrow and McAdam attempted a synthesis of social movement theory, their main dualism is the one between “insiders” and “outsiders” to already finished political systems.⁸⁴ But how is the distinction between insiders and outsiders being constituted or re-constituted, how is it maintained or transformed? The already constituted political system is not a finished entity, if we trace the *constituent power* of social movements. Then, the main duality is the one between *constituent praxes* and *constituted order*, not the one between insiders and outsiders. This topic goes beyond the research interest in reformist movements and beyond revolutionary movements as well. The research interest then becomes *transformative movements that produce constituent power*.

As I mentioned above, constituent power is an issue that is *epistemologically* and *ethically* challenging for the political researcher. I will now face those issues, before presenting the research design. Now I will discuss the art and science of constituent power: first one chapter on the practice or the art, then one chapter on the theory or science.

1.2.4 The structure of the thesis

The thesis has three main parts: (A) *First* is conceptual and methodological scaffolding, in the three following chapters. Here the reader will get a little taste of the data to come, because it addresses the relation between science and practice. (B) *Second* follows the empirical part, with seven chapters. After a geographical overview chapter (based on aggregate data) the text zooms in on the two selected watersheds during the two selected periods (based on qualitative data). (C) *Finally*, the two last chapters give a theoretical discussion, where the various explanations observed in the empirical part are discussed against a rival theory. I will go more in detail regarding each of the three parts.

(Ad. A) The following chapter turns to practical aspects, or the art of constituent power (2.0.0). I will include some glimpses into my empirical data, in order to be cognisant of the relationship between science and practice. Then, I will discuss the theoretical aspects, or the science of constituent power (3.0.0). Here I will operationalise the research question in terms of scientific concepts and methods, and negotiate between different alternative approaches. Finally, I lay out the entire research design, research techniques, and present the selected data sources and coding categories (4.0.0).

(Ad. B) Once the scaffolding is in place, the reader is invited into the empirical part of the

⁸⁴ Jensen 2000

thesis. This starts with one geographical introduction, which is aimed at mapping the terrains of constituted order in Sápmi, with focus on two selected watersheds or bio-regions. The chapter is based on qualitative interpretation of quantitative data, presented in the form of maps and tables (5.0.0). Thereafter, I proceed to the first empirical case study, a historical description of the dynamics of contention during the Alta-dam conflict. This is widely seen as the take off point of the environmental movement and the indigenous rights movement in the area. The case study is based on secondary literature, archival documents, and some oral history. It concludes with suggesting some hypotheses regarding the possible paths to constituent power that were observed in the case study (6.0.0). Then I proceed to the second and third case studies. The second one contains the third one. The second case study is a policy of natural resources management in Deatnu River, which is located in the heart-land of Sápmi, but on the border between Norway and Finland. Here I describe some recent attempts to establish locally based, ecosystems-oriented and trans-boundary natural resource management regimes. I trace some of the causal links whereby the environmentalist and indigenous rights activism during the Alta-dam conflict has had consequences for contemporary natural resources management in Deatnu River. This case study also concludes by suggesting some possible explanatory mechanisms. (7.0.0). Finally, I zoom in on one particular area within the Deatnu watershed: the Deatnu fjord. In fine-grained detail I describe some of the customary praxes and knowledge praxes that maintain and transform the constituted order. I follow local fisher-peasants during operational routines and political deliberation. The focus on particular action situations allows to me to observe how norms may function in practice. The case study concludes by suggesting some possible explanatory mechanisms (8.0.0).

(Ad. C) Finally, after all the empirical chapters, the thesis concludes with a theoretical discussion. Here I address all the possible explanatory mechanisms that were observed in the case studies, and I discuss them in contrast to a rival theory. The rival theory is state-centred realism, and some earlier research in that tradition has already suggested some of the pathways whereby the Sámi rights movement succeeded to make norms affect policy (and polity). This is in line with what Ostrom calls the “old theory”. However, my own focus was on customary praxes and knowledge praxes, issues typical to political institutionalism and constructivism. Here I have applied what Ostrom calls the “new theory”. In this final discussion I conclude that it might be unwise to apply the new theory in isolation, because we need to “control for” the potential bias of wishful thinking. More importantly, however, I also conclude that one-sided use of the old theory will give misleading and biased explanations regarding state transformation in Sámi areas. This probably has transfer value to other indigenous rights struggles, and possibly also to other struggles for nation-rebuilding, environmental justice or restorative justice.

2.0.0 BACKGROUND: SAPMI AND POSTCOLONAL HUMAN RIGHTS LAW

2.1.0 Chapter introduction

2.1.1 Postcolonial human rights law – consequences for political science?

In Sápmi, international human rights law demand that the four host states sort out *both* indigenous self-determination *and* state sovereignty. The sociolinguistic and ethnic conditions are diverse in Sápmi, and the cultural hybrids are rich. Within this pluralism, the distinctiveness of the *Sámi people* was firmly established through *systematic ethnic discrimination* under state-building elites, and *only thereafter*, this distinctiveness has been legally recognised, in an *attempt at restorative justice*. According to the shared §1 in the UN's two covenants on human rights, ICCPR and ICESCR, all distinct peoples have the right to self-determination. Norway, Sweden, Finland and Russia recognise the Sámi as a distinct people. All four have ratified the ICESCR and the ICCPR.

The reason why the ICECSR demands economic, social and cultural rights for communities is that some communities already have been subject to systematic discrimination, economically, socially and culturally.⁸⁵ Collective human rights become a norm, because collective discrimination was a reality. In 1966, the UN General Assembly *confirmed individual human rights*, in the ICCPR,⁸⁶ while at the same time *adding collective human rights*, in the ICECR.⁸⁷ This was a result of former colonies having become sovereign states, with representation in the General Assembly.⁸⁸

⁸⁵ The same is the same for §27 in the ICCPR, but this only deals with freedom from cultural discrimination, not economic or social discrimination.

⁸⁶ UN 1966a

⁸⁷ UN 1966b

⁸⁸ *The decolonisation of human rights law*: The history of decolonisation within international law remains under-researched and under-communicated. Law professor Ciarán Burke, my language corrector, has challenged me to better justify my statement, and for this purpose I have sought in recent legal research. *Firstly*, it must be clear that human rights, if truly universal, have not been invented by any particular cultural or legal system. "In the most general sense human rights are understood as rights which belong to any individual as a consequence of being human, independently of acts of law" (Piechowiak 1999: 3). Thus, a true universalism must distinguish between "human rights", as a category of moral philosophy, and "human rights law", as a category of legal theory. "Awareness of the existence of this type of rights finds its expression in the output (especially in literature) of various cultures at various times. However, the 'real career' of the category of human rights started only after the Second World War" (ibidem). From the latter half of the 20th century, human rights "provided a language for political claims making and counter-claims, liberal-democratic, but also socialist and postcolonialist" (Hoffman 2010: 2, cited in Wikipedia 2015b). *Secondly*, the history of human rights law may be divided into three stages (Vasek 1977). *The first wave* was the first wave of liberal revolutions, introducing the civil and political rights. Already then, women and people of color claimed universal human rights. 1792 demarcates the start of The Haitian Revolution against slavery, as well as the Declaration of the Rights of Woman. *The second wave* came with the UN and the Universal Declaration of Human Rights, which confirmed the first-wave rights, and added economic, social,

Reforms brought about by postcolonial states opened up new opportunities for another wave of decolonisation: the transnational indigenous rights movement, which was active in UN from the 1970s.⁸⁹ Let me cite James Anaya, the UN Special Rapporteur on the Rights of Indigenous Peoples:

*[I]nternational law, although once an instrument of colonialism, has developed to support the resilient efforts of indigenous groups worldwide to survive and flourish as distinct peoples on their ancestral or traditional lands. This movement in international law has been grudging and imperfect, falling short of indigenous people's full aspirations: yet it is in marked contrast with legal and policy regimes originating in the past that sought to do away with or suppress indigenous identities.*⁹⁰

The ongoing decolonisation of international law has profound consequences. For the UN, an "indigenous people" is a distinctive ethnic group that lived on the area when the existing states were established, and was subjected to systematic collective marginalization under those states. The question for the UN is not whatever people may have come first, but what have been the policies of the existing states. Indigenous peoples, in the legal sense, are those people that have been subject to *internal colonisation* and *ethnic discrimination* under the existing states. *Colonialism* was the actual political context of the old international law: there were norms of state sovereignty and individual human rights, but in practice, *some were more equal than others*. In an attempt to heal the harm, collective human rights emerged, including the right of indigenous peoples to enjoy political self-determination within the framework of the existing states. The decolonisation of international law actualises the question if we should not also decolonize the basic concepts of political and social scientists. With decolonisation, the real, historical *entanglement* between different states, societies

and cultural rights. 1966 was the year they crystalized in two legally binding covenants, the ICCPR and the ICESCR (UN 1966a, 1966b). The process was shaped by the Cold War, but also by the national liberation of former colonies, as "the so-called Eastern block as well as many non-aligned states supported and demanded equal treatment for [economic, cultural, and social] rights" (Riedel, Giacca & Golay 2014: 6-8), but "Western states insisted on division in two covenants" (Rosas & Scheinin 1999: 52). However, the western states voted with Egypt, India, Mexico and Uruguay, while the eastern states had copied their proposal from Franklin Roosevelt, and finally, the "communist states were among the most fervent opponents of a treaty regime of implementation [for economic, cultural, and social rights], least of all one involving individual communications" (Cismas 2014: 452-453). Both blocks of the Cold War contributed to the relatively weaker implementation of economic, social and cultural rights. Most of the newly liberated former colonies, together with a few social liberal politicians from the Global North, pushed for full integration of economic, social and cultural rights with the civil and political rights. The relative weight of these two sets of human rights remains a contentious issue, as does also the degree to which the World Bank, the IMF and the WTO would have to confirm with human rights standards (Rosas & Scheinin 1999: 59). *The third wave* is an ongoing social mobilisation for recognition of "solidarity rights": the right to development, the right to healthy environment, and so on (Vasek 1977:29). This movement "for the commons" remains a *constituent process* (Bailey & Mattei 2012). However, the UN recognition of indigenous people's rights implies a fundamental re-interpretation of existing human rights law (Anaya 2004). 2007 was the year when this crystalized into the UN Declaration on the Rights of Indigenous Peoples, demarking a new *constituted order*. Ever since the Universal Declaration of Human Rights in 1949, human rights have been a universal language of claims making, for various liberal, socialist, democratic and post-colonial movements. This has been possible because human rights law (the legally right "für uns", to say it with Kant) is an unfinished effort to proceed toward human rights proper (the ethically good "an sich", in Kantian terms). The gradual decolonisation of international human rights law includes the push from postcolonial states to implement economic, cultural and social rights (with the ICESCR in 1966), as well as the push from indigenous movements to recognize their right to land and water (with a UN declaration in 2007).

⁸⁹ Minde, Eide & Åhrén 2007

⁹⁰ Anaya 2004: vii, my emphasizes

and cultures has become so obvious that it destabilises the conventional definitions of citizenship and sovereignty, individual and collective, methodological individualism and methodological nationalism. The ideals of open markets and civic nationalism remained just that: ideals – not realities. In practice, markets, states and societies are woven together by phenomena such as social capital, corruption, familism, colonialism, and socio-ecological interdependency. Thus, the decolonisation of international law has implications for how political and social scientists conceptualise *structure*. It also has consequences for our understandings of *change*. Some anti-colonial demands that were *criminalised* one generation ago have now been *institutionalised* in international norms, which, in turn have been ratified by the host states. Demands that were *stigmatised* as extreme in the past have *proven* to be justified and even moderate.

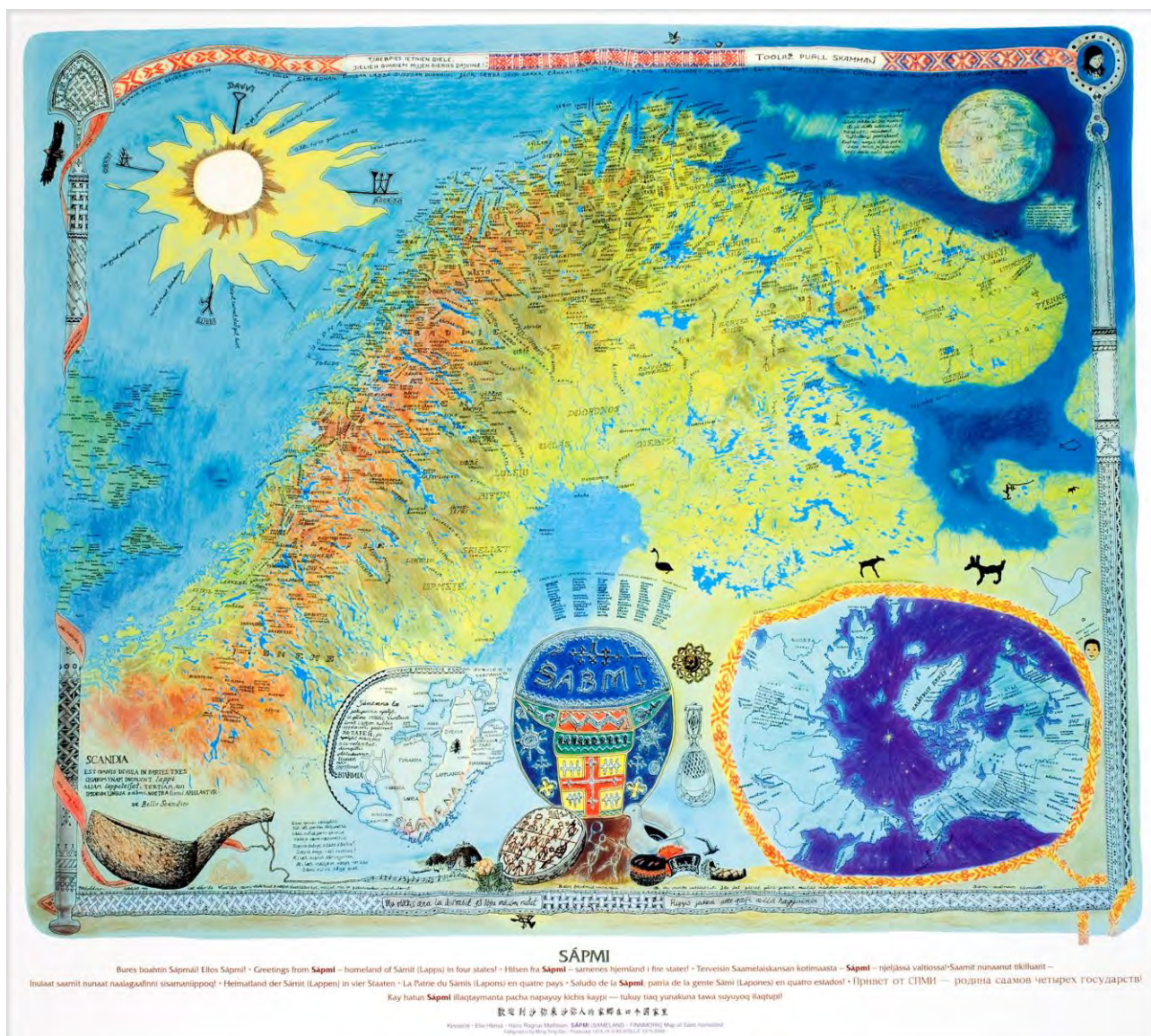


Figure 2-1: Map of Sápmi, by Hans Ragnar Mathisen, 1975.

Hans Ragnar Mathisen's classical map from 1975, showing the topography of the Sámi cultural territory, without state borders, but with Sámi place names. Copyright by the artist.

To sum up, when the UN has recognised the existence of an indigenous people within the EU (as well as other indigenous peoples north-west of the Ural mountains and on the Greenland island), then it has two profound consequences for the *conceptual validity* of commonly held assumptions within West-European political science:

1. Even though a regime may *appear* to have been a consolidated democracy, it *may prove* to have been a *colonial power*.
2. Even though a regionalist movements may initially *appear* to held extreme opinions, it *may prove* to have been *justified* and even *moderate*.

If this argument is correct, then experience from Sápmi might have profound consequences for the ongoing re-thinking of basic categories in the discipline, such as “sovereignty” and “citizenship”. This might also open up a Pandora box of highly controversial questions, which should be *approached cautiously*. This implies profound metatheoretical, epistemological and ethical challenges for political research.

The main *metatheoretical challenge* is how to address entangled collectives, such as the Norwegian nation-state and the Sámi indigenous people.

The main *epistemological challenge* is how political science may research its own political function, when nation-builders and indigenous political entrepreneurs struggle for rights and proof.

Finally, the main *ethical* challenge is how political scientists may approach the use of coercive force in situations where it is *de facto* contested what coercive sanctions, if any, are legitimate.

Those are big questions, regarding the conceptual validity of the most basic concepts for the discipline. The present study deals only with a much more particular puzzle, namely to identify some of the paths whereby environmental justice movements in Sápmi succeed to re-constitute the states. In order to research this issue, I wish to apply concepts and methods that are as free of colonial bias as possible.

2.1.2 Proofs and rights after the Sámi Rights Commission

When international law now demands protection of indigenous human *rights*, the decision was informed by *proof* from legal history and legal anthropology.⁹¹ The policy process in the UN was informed by the transnational indigenous movement, and the policy process in this central node was coordinated with other policy processes in more local nodes. In areas where Sápmi and Norway overlap, many the indigenous rights organisations interacted with the Norwegian Sámi Rights Commission. This had been appointed by the government in 1970, in order to end an embarrassing

⁹¹ Anaya 2005

hunger strike in front of the parliament building.⁹² Working in-between local pressure and international institutions, the Commission opened up to a new generation of Sámi knowledge entrepreneurs. Those had already established the the Nordic Sámi Institute, affiliated with the Nordic NGO Sámeráddi and funded by the inter-governmental organisations Nordic Council. With the Norwegian Sámi Rights Commission they obtained funding to carry out more systematic search for proofs.

New proof in legal history, provided by the Sámi Rights Commission, indicate that local customs and local knowledge were continuously maintained and developed in Sámi areas, as part of the actual usage of natural resources, regardless of whether those practices were codified, criminalised, or ignored by the states.⁹³ For this reason, there was a continuous presence of *de facto* legal and jurisdictional pluralism,⁹⁴ in spite of state law *de jure* claiming jurisdictional monopoly. Some *local customs* had been codified in state laws, while other local customs had either been ignored or criminalised by the states. According to the “formalist” definition of customary law, only those that have been codified in state law matter, but with a “substantivist” definition, what matters is the actual practice and perception among the population.⁹⁵ With a state-centred concept of jurisprudence, only the formalist definition of customary law is relevant – but in the actual life of actual people in the actual land, state-centred jurisprudence was irrelevant. Ancient customs were continuously kept and developed since time longstanding through the *actual use and management of natural resources* in Sápmi, at least in Inner Sápmi. This process maintained and developed both customary praxes and knowledge praxes. Local lore had been stigmatised as witchcraft by the Lutheran state/church in early modern times, but had survived with ideological blessing from lay evangelist movements.⁹⁶ Today, shelter is provided by the UN Biodiversity Convention, defining local lore as a form of bio-cultural diversity, and thus, as an asset for sustainable development.⁹⁷ Such lore is mostly tacit knowledge, and to build up databases is technically challenging.⁹⁸ Finally, issues of copyright arise from the fact that local knowledge is a vital economic asset for those who live off the nature.⁹⁹ For the indigenous rights movement, local lore is an asset in the locally based natural resource management, and thus also for local customs – and for the right to self-determination. This legal approach to local lore, like the substantivist definition of local customs, is challenging for those who take the authority of the state for granted. The colonial state is no neutral

⁹² Hjorthol 2006

⁹³ Norwegian Official Report 1997a (NOU 1997:4); 1997b (NOU 1997:5); Norwegian Official Report 2007a (NOU 2007:13); 2007b (NOU 2007:14)

⁹⁴ Pedersen 2012

⁹⁵ Jebens 2010: p. 22

⁹⁶ Myrvoll 2011

⁹⁷ UN 1992b: CBD

⁹⁸ Joks 2009; Holm 2003

⁹⁹ Solbakk J.T. 2007

arbiter of norms and knowledge in areas where Sámi and Norway overlap. For these new developments in legal history and legal anthropology, one crucial issue is that *social order does not originate with the state*: Already in 1979, the Haag court had rejected the so-called *Terra Nullius* doctrine, the assumption that without state, there could be no law, and consequently, that stateless peoples could be freely colonised.¹⁰⁰ In early modern times, Sápmi became increasingly integrated with three competing regional empires, and during the age of nationalism, two of the empires would break up in nation-states. Neither regional empires, nor nation-states ever had the capacity to reinforce their claimed authority over all of Sápmi. Instead, local people practiced social institutions that had been continuously kept and developed from their ancient stateless political system, a form of “tribal confederacy”, known in the literature as the *siida*-system. *On paper*, the *siida*-system was replaced by a state-system on most of Sápmi in 1751, when two kingdoms agreed on their mutual border – only drawn on a map. In northeastern Sápmi, competing states would disagree on their borders until 1945.¹⁰¹ Paper-laws have limited currency if they are not translated into actual custom. That is how legal and jurisdictional pluralism could remain the reality on the ground, even though the state sorted out monopolies of violence amongst themselves. The indigenous people of Sápmi always were a *stateless* nation, practicing a *stateless* political system, policed and defended by *non-violent* sanctions. *In fact*, the *siida*-system never fully disappeared, while the state-system never was fully consolidated.

In my view, the actual presence of legal and jurisdictional pluralism in Sápmi is sufficient to *falsify* the hypothesis that colonisation *did not* take place in Sápmi. This we may say with a high degree of certainty, even though much remains uncertain about the particular form colonisation may have taken at the various parts and periods in the history of Sápmi. In Sápmi, the entire process of nation-building may be seen as an uneven development of rights and proofs. Under the two western states in Sápmi, the liberal nationalist movement brought democratisation to citizens with Norwegian or Swedish ethnicity, while citizens with Sámi or Kvän ethnicity were subject to

¹⁰⁰ Halonen 1981 (citing International Court of Justice Reports 1975)

¹⁰¹ The present state borders in Sápmi were established *de jure* from 1751 until 1945. *Firstly*, in 1751, the present Swedish-Norwegian border was drawn as far north as Lake Buolbmát in the Deatnu River valley. *Secondly*, in 1809, the present Swedish-Finnish border was established. *Thirdly*, in 1826, Norway's present border towards Finland and Russia was drawn, continuing from Lake Buolbmát (the place where the 1751-border had ended). *Fourthly*, the present border between Northern Finland and Russia was drawn in 1945, after Finland had lost its territories with shores in the Barents Sea. For a more detailed historical geography, see part 5.2.5, and for a map, see Figure 5-5. *Additionally*, the 1751 border treaty included an appendix that secured free border crossing for the Sápmi people, the “Lappiske Nation” (Pedersen 1998), however, the northernmost part of this border (together with the 1826 border) became closed for a period from 1852, as a result of hostile relations between Sweden-Norway and Russia-Finland (Zorgdrager 1998), and the northernmost Russian-Norwegian border was closed after the 1817 revolution. *Finally*, it should be noted that borders drawn on maps (*de jure*) do not necessarily implemented or adapted in the actual use of land and water resources (*de facto*), nor into the local customs (see also Jebens 2010: 22). In the Deatnu River valley, the local people at each side of the border are part of the same multi-ethnic indigenous kinship system, and speak the same dialect of Northern Sámi.

discrimination.¹⁰² At the same time, the government also funded the establishment of national history and other social sciences that could serve their needs.¹⁰³ But the later attempts to implement indigenous human rights were also uneven. The Norwegian Sámi Rights Commission concentrated on documenting rights in Inner Sápmi.¹⁰⁴ Only thereafter, the Coastal Fisheries Commission extended to the Coastal Sámi areas.¹⁰⁵ The history of the Kvän minority remains even more under-researched.¹⁰⁶ The uneven development of rights and proofs, which was started by nation-building, is carried further in the ongoing nation-*rebuilding*. Some of the colonial and nationalist biases have been beaten, others remain to be beaten. As the postcolonial historian Dipesh Chakrabarty has observed of the Indian Subcontinent: it is a laborious process to inquire all the questions that were left systematically under-researched by colonial historians.¹⁰⁷ Restorative justice is not only a *struggle for rights*, but also a *struggle for proofs*. Such processes are well known from other contexts: historical research during the democratic transitions in Spain and Latin America.¹⁰⁸ Even the quantitative revolution in political science, with the emergence of election studies, was a direct result of democratisation, with wide social strata becoming participants in state politics.¹⁰⁹ Therefore, a *body of knowledge*, as well as a *body of law*, and a *body politic*, may undergo democratisation and decolonisation.

2.1.3 Implications for political science

A *struggle for rights and proofs* is taking place in Sápmi. This is an ongoing constitutional process, whereby the political system is being transformed. It may be challenging to trace an on-going process of state transformation. However, this is made even more difficult because the struggle for rights and proofs have had profound impact on ongoing paradigm shifts in the disciplines of history and jurisprudence. With new historical proof, *our collective perception of the past* is no longer what it used to be: what we used to think of as the most democratic states in the world turn out to have been colonial powers. Likewise, with the ratification of new international law, *our collective perception of the future* is also changing: what we used to think of as a continuation of steady, linear progress, becomes instead an effort to come to terms with a troublesome past, a path towards restorative justice. However, the developments in historical knowledge, and the corresponding

¹⁰² Jensen 2013

¹⁰³ Slagstad 2001 (1998)

¹⁰⁴ Norwegian Official Report 1997a (NOU 1997:4); 1997b (NOU 1997:5); Norwegian Official Report 2007a (NOU 2007:13); 2007b (NOU 2007:14)

¹⁰⁵ Norwegian Official Report 2008 (NOU 2008:5)

¹⁰⁶ Interview with Aronsen, Terje (Frogner Church, 04.03.2012)

¹⁰⁷ Chakrabarty 2000

¹⁰⁸ De Brito, Enriques & Aguilar 2001. (Thanks to Mariana Mendes for the reference.)

¹⁰⁹ Rokkan 1970:13-14

changes in jurisprudence, remain badly disseminated outside the Sámi population, and the majority of citizens in the Nordic countries remain under-informed about the fall of nationalistic historiography. Therefore, it is still utterly controversial when I claim that the Nordic states have a colonial history and thus a need for restorative justice. This remains largely unknown outside the circles of human rights scholars, legal historians and indigenous people.

To do political research is to make a particular contribution to the development of proofs. Thus, the researcher gets involved in an already ongoing process: the uneven development of proofs and the uneven development of rights. Those two, in turn, inform the uneven application of coercive force by the states. Consequently, there can hardly be any such thing as actively non-violent political research. This is because we will never suddenly find ourselves in an anarchist utopia, but instead, decolonisation and democratisation is a gradual, open-ended effort: the gradual decolonisation of a body politic therefore implies a gradual decolonisation of some associated body of law, and an effort to overcome biases in some associated body of knowledge. There is no clear-cut dialectical break between one colonial and another anti-colonial body of knowledge. As Fanon warned about and Spivak observed, colonial silencing and repression may easily be *reproduced* during decolonisation.

To conceptualise political order and political change is no straightforward matter. I have argued that new proof in legal history, provided by the Sámi Rights Commission, demonstrate that the siida-system never fully disappeared, while the state-system was never fully consolidated. In my opinion, this statement is totally in line with the empirical facts. Still, it is not in line with so-called “realist” political theory, according to which, jurisdiction is a function of sovereignty, which in turn, is a function of monopoly of violence. The *facts* do *not fit the predictions* of so-called realism. Instead they show that customary praxes and knowledge praxes can be maintained and developed in relative autonomy from the monopolies of violence, to such a degree as to maintain jurisdictional pluralism even in a territory with clear-cut borders between sovereignties. This means that customary praxes and knowledge praxes are independent explanatory variables, and cannot be reduced to being functions of coercive force. This renders so-called “realism” unrealistic, but might perhaps be more in line with the predictions provided by so-called “institutionalist” or “constructivist” political theories.

2.2.0 Spatial Dimension: Sápmi, a socio-ecological region divided

2.2.1 Postcolonial human rights law and nation-building

For the UN, an indigenous people is a distinctive ethnic group who lived on the area when the existing states were established, and were subjected to systematic ethnically based marginalization under those states. Thus, for a population group to enjoy the right to indigenous self-determination, this group must have been subject to *internal colonisation* under the existing state. With the UN's recognition of the right of indigenous peoples to freedom from discrimination and colonisation, the *right to popular self-determination* gained a new legal justification, not in state's right to sovereignty, and not in individual human rights, but in collective human rights.¹¹⁰ The state-centred concept of a people's self-determination failed to prevent internal colonialism. The community-centred concept of a people's self-determination is aimed at healing that harm, by opening up for political experiments with territorially overlapping forms of popular self-determination, within the framework of the existing states. Self-determination no longer equals "statehood". As the UN special rapporteur writes:

Indigenous peoples have been *deprived of* vast landholdings and access to *life-sustaining resources*, and they have suffered historical forces that have *actively suppressed their* political and cultural *institutions*. [...] In *both industrial and less-developed countries* in which indigenous people live, the indigenous sectors almost invariably are on the lowest rung of the socioeconomic ladder, and they exist in the margins of power.¹¹¹

Western-European political scientists often see European integration as peace building.¹¹² This may also be the case for the new international law on self-determination. Since the Sámi have been recognised as an indigenous people, this implies that the traditional homeland Sápmi has been an internal colony under four states. Because the Sámi are an indigenous people in Europe, this implies that the Sápmi are has been an *internal colony* within Europe. Therefore, it is *incorrect*, as Will Kymlicka has claimed, that the ICCPR/ICESCR are somehow not relevant to demand self-determination in *any* European region.¹¹³ His general statement is refuted by the fact that the Sámi have been recognised as an indigenous people. Sápmi may be the exception to the rule, but we cannot rule out of the picture that other regionalist movements in Europe might succeed to make the ICCPR/ICESCR relevant in the future. The experience in Sápmi is relevant both because it forces

¹¹⁰ Anaya 2004: 7

¹¹¹ Anaya 2004:4, my emphasizes

¹¹² Pollack 2010

¹¹³ Kymlicka 2006:45-6

us to fundamentally revise the nationalist framing of Nordic states, and also, because it may potentially have transfer value to other regions in Europe.

2.2.2 An ethnographic glimpse of areas where Norway and Sápmi overlap

Public contention in the present is the context where the historian gets research questions for the investigation of the past. In turn, progress in historical research gets its public relevance and political legitimacy for how it may inform present public contention and policy. Let us take an ethnographic sample.

At the indigenous rights festival Riddu Riđđu 2012, I found myself in the eternal day of the Arctic summer. The topic was activism. One year earlier, the festival had been interrupted when the daughter of the organiser had been murdered during a massacre of political youths at a summer camp with the Norwegian Labor Party. This is by large the most popular party in the ethnically heterogeneous area where Riddu Riđđu takes place. The party was represented at the festival. Its vice president Helga Pedersen was there for a panel debate about the dumping of poisonous mining waste in the fjords. She is Coastal Sámi. Only one week before, I had been camping on the property of her family, when I did fieldwork in Deaunuvuotna. I had been hanging around at the quay, with fisher-peasants who were tired of competing against seals and struggling with the government. Helga Pedersen, however, as a party official in a panel debate, was obliged to defend the government's policies. One old woman from the local community interrupted the political leader, using the authority that comes with age. She described a life of poverty, and claimed that the politician was talking "like silk", implying that the rhetoric was smooth, but avoiding spiky issues. The next day I read in the local newspaper how this old woman had held the politician accountable. At the newspaper's internet archive I found other voices. One party-comrade of Pedersen, Olav Gunnar Ballo had accused the mainstream Sámi interest organisation (NSR) of being "nazis" and speculated that they might actually be militant separatists.¹¹⁴ He was answered by the retired leader of the national trade union federation, Yngve Hågensen, who asked rhetorically: "who are the actual 'ruling people [herrefolk] and extreme nationalists' in the County?".¹¹⁵

Pedersen and Ballo are active in the same party. They both adhere to the same political program, and they share basic norms about equality and freedom. However, the two are leaders of two competing tendencies within the party. The anti-Sámi and pro-Spami blocs take conflicting stances to freedom and equality because they disagree on whether or not colonisation has taken

¹¹⁴ Nordlys 2007

¹¹⁵ Hågensen 2007

place. Ballo argues with individual human rights, assuming that there had been real equality before the law prior to the indigenous rights movement. Pedersen refers to collective human rights, and the premise that we must heal the harm done through policies of systematic discrimination. When Ballo and Pedersen offer competing prescriptions for the future, it appears to be because they held competing descriptions of the past. The social scientist can hardly be quite neutral. Much remains under-researched in the legal history of Sápmi. Still, I argued above, we have nevertheless *refuted* the hypothesis that colonisation *did not* take place.¹¹⁶ Therefore, from a scientific point of view, I would claim that Ballo is wrong, even though we cannot know if Pedersen is right. When she is held accountable by subaltern fisher-peasants, this may indicate that here there are details in colonial history that remain under-researched.

Because the development of rights and proof remains uneven, it is hard to judge particular political statements harshly, even the colonial myths recycled by Ballo. During my fieldwork along the frozen Deatnu River, at a local party at the Finnish side, I met a local musician who told me he votes Progress Party for the Norwegian Sámi Parliament. The party is in favour of abolishing this institution. Other voices have opposed it from the opposite direction. At both sides of the river I had met activists from the ČSV movement, who expressed discontent that local ecosystem resources and local kinship structures are being divided and conquered by the separatist policies of the two states that have divided the river between themselves. The relationship between the ČSV and the Progress Party might appear even more polarised than that between Ballo and Pedersen: My new friends who are active in ČSV or voted Progress Party appeared to have an even stronger commitment to the conflicting framings of human rights. That also means that they have an even stronger commitment to human rights. When I returned one year later, rumour had it that my friend who had voted Progress Party for the Sámi Parliament had learned more about the colonial history and now worked with ČSV-people. Such a *particular* political biography may reveal *surprising* political practices, which remain obscure for the more generalising gaze.¹¹⁷

2.2.3 Beyond methodological nationalism and statism

The struggle for rights and proofs in Sápmi feed into ongoing state transformation, and also, the ongoing paradigmatic change in the political and social sciences. The basic units of analysis are being re-evaluated.¹¹⁸ What is a state or a nation? What is a citizenship or ethnicity?

The politics of environmental protection and indigenous rights are realities that have rendered

¹¹⁶ Here I apply the principle of falsification, see Popper 2002 (1963)

¹¹⁷ Law & Singleton 2012

¹¹⁸ Kauppi 2013; Olsen 2012

the normative concept of “sovereignty” having limited descriptive value.¹¹⁹ Similarly, decolonisation and globalisation have made interdependency so visible that it has become impossible to keep the “holocultural” model of colonised cultures or colonised nations.¹²⁰ Thus, the conventional assumptions of sovereign states and holocultural nations have dubious conceptual validity, but they are still being used as heuristic devices. This is particularly problematic in so-called “minority research”. The political philosopher Rainer Bauböck has pointed at a tendency in Western-European minority research to *problematise* minorities while at the same time applying *reified* assumptions about presumed coherent majority nations, with presumed equal citizen rights.¹²¹ These biases he calls “culturalism and statism”. With reference to the areas where Norway and Sápmi overlap, the social anthropologists Thomas Hylland Eriksen and Ingjerd Hoëm point at similar tendencies: some researchers define minorities as scientifically problematic, with the implication that the majority is defined as scientifically unproblematic.¹²² On one hand, for the minority the way is short from being seen as scientifically problematic to being labelled as a social problem.¹²³ On the other hand, the actual plurality within the majority culture remains hidden and under-researched. The ethnographic glimpse above illustrates such concepts in action. Along the Deatnu River, the local community in the local ecosystem is divided by a theoretical state border, but whenever the two states adapt unilateral policies, the local population experience division and conquering. This is a concrete, practical problem for local fishers who wish to manage their livelihood in a sustainable manner.¹²⁴ This highlights the phenomena of ecological complexity, cultural complexity and political entanglement.

Structurally similar phenomena are not unknown to Norwegian political research. Iver B. Neumann has researched political entanglement in the form of multilateral institutions,¹²⁵ Thomas Hylland Eriksen led a large research project on cultural complexity, with emphasis on new minorities in the capital city area.¹²⁶ Both have contributed to a recent governmental report on how Norway is institutionally entangled with the EU.¹²⁷ But I have seen few efforts to apply the Neumann/Eriksen approach to study complexity in areas where Norway and Sápmi overlap. On the contrary, I have seen several attempts to study the political *effects* of struggle for rights and proof,

¹¹⁹ Falk 2012

¹²⁰ Gingrich & Fox 2002 (thanks to Marit Meelhus for this reference); Das & Poole 2004 (thanks to Cecilia Salinas for this reference); Hofbauer 2012 (thanks to Thomas Hylland Eriksen for this reference)

¹²¹ Bauböck 2008

¹²² Eriksen and Hoëm 1999

¹²³ Mohktari 2007

¹²⁴ Måsø 2012a

¹²⁵ Neuman and Sending 2010

¹²⁶ In particular the large project CULCOM (Cultural Complexity in the new Norway), see for example: Eriksen 2006; Eriksen 2010a; Eriksen & Breivik 2006; Eriksen & Vetlesen 2007; Halsaa & Hellum 2010; Jensen & Mokhtari 2007.

¹²⁷ Norwegian Official Report 2012 (NOU 2012:2)

by applying conceptual assumptions from *before* the struggle for proofs and rights.

This has been particularly evident when state scientists (*statsvitere*) who have not yet followed Johan P. Olsen's suggestion to re-think the conception of the state,¹²⁸ do research on the Finnmark Act. This law, enacted in 2005, was one of the first experiments with indigenous territorial rights. Thus it was an effort to sort out the *partly overlapping* rights to indigenous self-determination and state sovereignty. The process started in the northernmost county of the Norwegian political entity. This was the easiest area to start, because, to put it simply, the land and water expropriated from the local Sámi had not been redistributed to new owners. However, the county has clearly defined boundaries, that are not are not politically neutral. The *de jure* state borders delimitate Finnmark County from the adjacent areas further south and east in Sápmi, and further south in the Norwegian entity. In the ethnographic example above, I mentioned how local communities and local ecosystems become split when Norway and Finland adapt unilateral policies in the management of shared natural resources. Such facts appear to be unknown for the state scientists Anne-Julie Semb¹²⁹ and Hans-Kristian Hernes.¹³⁰ Both of them have interpreted the politics of the Finnmark Act, but both of them take the existing state boundaries for granted, as if those were given by nature. Thus, Hernes uncritically adapts the official Norwegian term for public and common interest (*allmennhetens interesse*), without ever questioning which community or demos may or may not constitute common interest.¹³¹ Along the Deatnu River, it is evident that nation-state interests are particular interests, not the common good. Semb discusses the *highly hypothetical* scenario of Sámi separatism,¹³² but never addresses the *actually existing* separatism, which is Norwegian and Finnish unilateralism in the management of shared natural and cultural heritage. Hernes claims that indigenous “identity politics” may potentially lead to split amongst the population (*oppsplitting av befolkningen*),¹³³ but he does not deal with the actually existing divide imposed by the state border upon local communities. Similarly, the cultural and ethnic pluralism of the area is interpreted by Semb as being proof against Sámi identity politics,¹³⁴ as if it was not Norwegian nation-building that suppressed pluralism and marginalised the Sámi to begin with.¹³⁵ Similarly to Hernes and Semb, the social anthropologists Bjørn Bjerkli and Trond Thuen portray the diverging claims of rights: One political bloc they define as “Sámi”, and claim it justifies itself with reference to ILO convention 169 and constitutional §110a. Another bloc they call “Norwegian”, arguing that this one is based on “the democratic principle of equality” and “everybody's common

¹²⁸ Olsen 2012

¹²⁹ Semb 2005

¹³⁰ Hernes 2008

¹³¹ Hernes 2008: 23, 29

¹³² Semb 2005: 532, 536

¹³³ Hernes 2008: 18

¹³⁴ Semb 2005: 533, 540

¹³⁵ Jensen 2013

and individual rights as Norwegian citizens”.¹³⁶ Such distinction between legal paragraphs and political equality is plainly wrong. In fact, *both sides* justify themselves with norms of freedom and equality, but one party emphasises collective human rights, the other individual human rights, and this is because they disagree over whether or not there has been a systematic discrimination that needs to be healed. How can it be that Bjerkli, Thuen, Semb and Hernes ignore that *Norway has treated some citizens as more equal than others* prior to the indigenous rights movement, and that *Sápmi is a trans-boundary region*? The honest explanation is given by Semb when she admits that she has chosen to define historical context outside her research.¹³⁷ But this does not mean that she is free from assumptions. It means that she assumes what her profession used to assume prior to the paradigm shifts in legal history and jurisprudence. Thus, she operates as if the actual jurisdictional pluralism in Sápmi had never been proven, and thus, as if collective human rights did not exist. Though Semb is more explicit than Hernes, Bjerkli and Thuen, they operate within exactly the same limitations. Scientifically, this is exactly the kind of *habitual nationalist bias* that was addressed by Bauböck as well as by Eriksen and Hoëm.¹³⁸ Ideologically it is exactly the same kind of argument as put forward by Olav Gunnar Ballo and the Progress Party. In the ethnographic sketch I argued the researcher should not be indifferent to the rhetoric of Ballo and the Progress Party, because they base their argument on a historical explanation that has been refuted. However, I also tried to show that those who vote Progress Party are not necessarily chauvinists, by showing the biography of my friend who got enlightened about the colonial history, and started to work with ČSV. In a similar manner, there is hope that Semb, Hernes and Bjerkli might leave their colonial blinkers behind.¹³⁹

It is easy to criticise, but what positive alternatives are there if we cannot assume that the state is “sovereign” or the nation “holocultural”?¹⁴⁰ The ethnographic glimpse above provided some particular views on a geographical terrain where the state border is shown to be an impractical limitation to sustainable use of common pool resources. However, I do not suggest that we should all become ethnographers. That would give a precise zoom on various possible particularities, but no panorama over probabilistic patterns. Instead I propose that we should all become *geographers*. Thus, I argue that all political researchers should follow the historians, in the “spatial turn” they

¹³⁶ Bjerkli & Thuen 1999: 118

¹³⁷ Semb 2005: 531

¹³⁸ Bauböck 2008; Eriksen & Hoëm 1999

¹³⁹ Regarding such issues, it may be enlightening to have a look at some of the judgments by the EU Human Rights Committee. In one case, it rejected complains from a citizen in New Caledonia who felt marginalised during the decolonisation process (UN Human Rights Committee 2000). This has some similarity with the allegedly “ethnic” voting rights for the Sámi Parliaments. In another case, they complimented New Zealand for its effort to provide compensation in order to avoid suffering from third parties (UN Human Rights Committee 2002). This has some similarities with the reconciliatory approach chosen with the Finnmark Act, where all local residents, regardless of descendant, are supposed to enjoy protection under indigenous human rights. For further details, and a discussion, see Scheinin (2004: 14, 17).

¹⁴⁰ Falk 2012; Gingrich & Fox 2002: 2-3

undertook at the moment when nationalistic national history lost its relevance.¹⁴¹ But geographers also change their orientation. The decreasing relevance of the nation-state has lead political geographers to venture beyond inter-state politics, and to take renewed interest in the historical-geographical becoming of states.¹⁴² In my opinion, the turn to historical geography is a way to operationalise the insights that Neumann, Eriksen and Bauböck address in the abstract: “methodological nationalism and statism”, as a descriptive premise, has proven irrelevant and ideological, while political and cultural complexity appears to be the rule, not the exception. In the abstract, Bauböck argues that *diversity* should be seen both as the “background condition” and at the same time as an “outcome” of social action.¹⁴³ To operationalise that for empirical research I think it may be smart to turn to the material, tangible praxes and formations that exist in space and time. Geographers apply a plurality of methods to observe macro formations in the concrete, as spatial and material phenomena, and thus, they are also attentive to the interdependency between natural and cultural landscapes.¹⁴⁴ In the context of the ongoing decolonisation of human rights law, it is worth to note that constitutional law is changing, in particular in the Latin American context, where 500 years of anti-colonial resistance has resulted in transformation of the state form as such, leading to a situation of "overlapping sovereignty".¹⁴⁵ In the Sápmi case, however, the indigenous peoples have refrained from answering violence with violence, but still, they have maintained longstanding customs in spite of attempted criminalisation from the states.¹⁴⁶ This situation will be addressed in this thesis with the (maybe awkward) formulation that there are overlapping *jurisdictions* (defined as sources of law in a territory), cut uncontested *sovereignties* (defined as monopolies in an area), see also Figure 4-2, in part 4.3.6.¹⁴⁷

¹⁴¹ Conrad & Sachsenmaier 2007 (thanks to Sebastian Conrad for this reference); Werner & Zimmermann 2006 (thanks to Martin van Gelderen for this reference).

¹⁴² Howitt 2003; Slater 1997; Shaphiro 2003: 272; Chauprade 2003

¹⁴³ Bauböck 2008, 15, emphasis in original

¹⁴⁴ Holt-Jensen 2007

¹⁴⁵ Neves 2013; Agnew & Oslender 2010, 2013 (Thanks to Paul Routledge for the latter reference.)

¹⁴⁶ Jebens 2010: 22

¹⁴⁷ How do I define "jurisdiction" and "sovereignty"? *Jurisdiction* (from Latin *ius*, "law" and *dicere*, "to speak"), or the authority to make pronouncements in legal matters within a defined topic or a bounded territory, is, in part, regulated by the mutual recognition between states (public international law), but it is also partly regulated by ongoing efforts to sort out conflicts of law (private international law) and finally, by ongoing developments in the rules about the making of rules (constitutional law) (Wikipedia 2015d). Whereas public international law remains fixed on the territorial state, this is not the case for recent developments in constitutional legal theory. Particularly in Latin America, ongoing constitutional transformations imply a more complex territorial arrangement – mostly as a result of efforts to overcome 500 years of conflict between longstanding indigenous customs and intrusive state laws (Bailey & Mattei 2012, Neves 2013). "What is at stake for many of the place-based social movements in Latin America is more than mere land rights that provide them with a space to be. It is in fact a radical redefinition of the nature of the state itself" (Agnew & Oslender 2010:209, Agnew & Oslender 2013:136, thanks to Paul Routledge for this reference). *Instead of claiming statehood* for the indigenous nations, indigenous political entrepreneurs *transform the state form as such*. Thus, the right of indigenous peoples to be free from resource grabbing has been put forward as a collective human right (Anaya 2004). Consequently, there is some lack of clarity within international law, regarding *territorial sovereignty as a state right* and *indigenous self-determination as a collective human right* (Anaya 2004: 7). The mutual recognition between states (international public law) still is a sole principle for international law, but

For my own purpose, which is to trace some of the paths whereby social movements may influence state-transformation, I think it is useful to frame this as the relation between localised micro-interaction and historical-geographical macro-formations. The geographers Paul Routledge and David Slater study how social movements respond to complex environments, while at the same time influencing those environments.¹⁴⁸ One useful concept was coined by Paul Routledge: “terrains of hegemony of resistance”. By choosing the terms hegemony and resistance, he anchors himself in the Marxian tradition after Gramsci. One could equally well use the terms centre and periphery, in order to take part in the Functionalist tradition after Rokkan. For me, that is more or less the same. What matters more, however, and makes this concept more empirical than Gramsci or Rokkan, is the word *terrain*. There is a debate about metaphorical verticality in geography: no-one has ever *observed* any administrative pyramid among the material mountains and valleys. Some argue that hierarchy is the same as *centrality* in spatially distributed networks. Some choose the awkward metaphor “keeping the social flat”.¹⁴⁹ But it is not flat, because geography does not describe the map, which is 2D, but the terrain, which is 3D. In order to avoid a metaphysical debate about metaphorical “verticality” and “flatness”, one should turn to empirical observation of the *material terrains* of hegemony and resistance. How is the *dynamics* between hegemony and resistance, centre and periphery? This brings us over to the temporal dimension.

nevertheless, the states have given up some of their (claimed) authority to international bodies that oversee international treaties, such as the UN Human Rights Committee, which can make its own advice on the basis of complains from non-state actors. "International human rights regimes are in several cases "nested" within more comprehensive and overlapping regional agreements. These regional regimes can be seen as relatively independently coherent human rights sub-regimes" (Donnelly 2013: 138, cited in Wikipedia 2015c). The emergence of nested human rights regimes, and the transformations of constitutional legal theory, correspond with recent progress in the social scientific research on state (trans)formation. The political science of natural resources management observes cross-border interdependencies (Conca 2005, Ostrom 2005). The political anthropology of former colonies observes political systems interwoven with the politics of former colonial states and the politics of kinship (Nustad & Krohn-Hansen 2005, Das & Poole 2004). The historical sociology of nation building observes forced homogenization and persistent plurality in postcolonial settings (Chatterjee 1993, Jensen 2013). Max Weber (1919) *ignored the colonies*, when he declared: "Heute dagegen werden wir sagen müssen: Staat ist diejenige menschliche Gemeinschaft, welche innerhalb eines bestimmten *Gebietes* – dies: das »Gebiet« gehört zum Merkmal – das Monopol *legitimer physischer Gewaltsamkeit* für sich (mit Erfolg) beansprucht" [my emphases]. This is a classical definition of statehood, and three of its defining characteristics are (a) *territory* (Gebiet), (b) *authority* (legitimer) and (c) *coercion* (physischer Gewaltsamkeit). It's assumed relation between, on the one hand (a) *territory*, and on the other hand (b) and (c), is being unsettled by the recent progress in constitutional legal theory, political science, political geography and political anthropology. Regarding the case of Sápmi, however, we also have to unsettle the assumed interdependency between (b) *authority* and (c) *coercion*. In the case of Sápmi, persistent resistance from subaltern groups have had some success in transforming the state apparatus (including its application of violence), even though the resistance has refrained from answering violence with violence (it has been non-violent). The decolonisation of Sápmi is a case where we can keep *coercive power constant*, while *observing* the capacity of *social action* to transform *social authority*. This is the condition that I try to describe with my (maybe awkward) definitions of "sovereignty" as a monopoly of violence, and "jurisdiction" as legally binding sources of law. (Thanks to my language corrector, the Irish law professor Ciarán Burke, for pointing out that this issue had to be clarified.)

¹⁴⁸ Routledge 1993; Slater 1997

¹⁴⁹ Latour 2004

2.3.0 Temporal Dimension: the Sámi Rights Movement as transformative power

2.3.1 Postcolonial Human Rights law and State Transformation

Some anti-colonial demands that were criminalised one generation ago have been institutionalised in international norms, which, in turn have been ratified by the host states. The UN Special Rapporteur writes:

[For indigenous peoples,] *[a]rmed resistance, diplomacy, and law* have been tools in the quest for *survival*. Over the last several years especially, in conjunction with effort through *domestic or municipal arenas of decision making*, indigenous peoples have appealed to the international community and looked to *international laws* as a means to advance their cause.¹⁵⁰

Demands that were radical yesterday are mainstream today. The struggle for rights and proofs has led to fundamental transformation of states, and also, fundamental revisions of knowledge. Western-European political scientists tended to see *social mobilisation for democratisation* as a finalised process in three of the states in Sápmi: Norway, Sweden and Finland. That perception of history has to be fundamentally revised. For example, it is still true that in Norway the parliamentary channel was established in 1884 and the corporatist channel in 1936, but it also turned out to be true that the state's Sámi citizens were subject to eugenic administration from the 1880s, while Sámi political resistance collapsed in the 1930s.¹⁵¹ When the Sámi rights movement re-appeared in the 1960s, it was sometimes stigmatised as a threat to public security.¹⁵² But it succeeded in producing fundamental systems transformation, and no system breakdown ever occurred. Thus, even within *apparently consolidated democracies*, it might be possible that a movement for fundamental systems transformation can be *capable*, can be *relevant*, and in the end *may turn out to have been justified*.

2.3.2 A historical glimpse from the co-evolution of Norway and Sápmi

When there is a struggle for rights and proof, then proof-finding becomes a way of getting involved in the struggle, either unwillingly, or deliberately. When there is progress in *law making*, then *there is no retroactive force*. However, when there is progress in legal history, then this implies that *the past is no longer what it used to be*. This is a rather confusing difference between the two struggles for rights and for proofs. How are we then to judge the legality of actions in the past? This question

¹⁵⁰ Anaya 2004: 4, my emphasises

¹⁵¹ Jensen 2013

¹⁵² Hjorthol 2006

becomes particularly relevant in those situations where it is *de-facto* contested what use of coercive force might have been authoritative, if any at all.

The Alta-dam conflict one generation ago is a challenging case for legal sociology and legal anthropology. The government of the Norwegian state had initiated hydroelectric development in Inner Sápmi, without prior consultations with the indigenous subsistence practitioners in the area. Environmentalists and indigenous rights activists sued the government. In order to prevent their livelihoods being destroyed before the court had reached a decision, they used non-violent civil disobedience. The local sheriff (*lensmann*) was hesitant to act, but after some pro-dam activists had taken the law in their own hands, the police were ordered to carry away the anti-dam activists. The details of the story are to be told in one of the case studies in this thesis. The Supreme Court made its decisions in 1982 and 1983, judging that the planning process had been legal, and that the civil disobedience activists had to be punished with fines and prison. Thus, the Supreme Court also disciplined an unruly profession of judges, who had been split over these contentious issues. Only with a series of constitutional amendments, in 1988, 1992 and 1994 would the law demand consultations for the indigenous people, protection of natural heritage, and respect for human rights.¹⁵³ It has become unconstitutional to disrespect local customs and international treaties. This has of not retroactive force of course. However, this is where it becomes relevant that with progress in legal history, the past is no longer what it used to be.¹⁵⁴ One of the important reasons for the constitutional amendments was the *new proofs on legal history*, presented by the Sámi Rights Commission. It shows that legal pluralism and jurisdictional pluralism had been in place on the ground since times longstanding, in spite of attempted criminalisation from the states. This means that when Norwegian law makers adapted indigenous rights it was an attempt to come to terms with the actually existing legal pluralism. Indigenous rights in Sápmi do not originate in state law. They originate in the ancient *Siida*-system, and were maintained and developed as customary norms for several centuries, before they gained a blessing in international law, which in turn was ratified by the states. During the Alta-dam conflict, the actual legal pluralism was so well known that the Norwegian legal profession was split, and the local sheriff (*lensmann*) was hesitant to intervene. Those politicians who happened to be in government meant that civil disobedience was illegal, and had to be met by police force. But in Inner Sápmi, some local communities framed the police action as illegal colonial force. Similarly, there is disagreement about how to interpret the only action from anti-dam activists that might be framed as violent. As a response to the Supreme Court decision, an

¹⁵³ See the Norwegian Constitution (Norwegian Parliament 2013)

¹⁵⁴ In *retrospect*, the human rights lawyer Martin Scheinin (2000: paragraph 4.5) has the following view on the Supreme Court judgement regarding the Alta-dam case: "*Read today*, the ruling appears to fail to address the close interrelationship of culture and the economic activities of indigenous peoples" (my emphasis), thus, "the reasoning by the supreme court appears today as simply erroneous."

independent cell attempted to sabotage a bridge, with dynamite. According to the government, this was an act of terrorism, insurgent political violence. This was the only view I knew until I started to do participant observation in Inner Sápmi. Then I learned that for the action group and their sympathisers, this was presented as an act of social defence against colonial occupation. There is a lack of public and scholarly debate about this issue. In Sápmi there is and has been a *de-facto* situation of legal pluralism and jurisdictional pluralism since times longstanding, regardless of whatever paper-laws might have been invented in the capital cities. This legal pluralism does contain some contradictory perceptions of law, and those are not always easy to reconcile. Therefore, it is understandable that the local sheriff (*lensmann*) was hesitant to get involved. Likewise, it is understandable that the Sámi people have been reluctant to answer violence with violence. Some may claim that such non-violence, either from the sheriff or the population does more harm than good. I have no right to judge, because I belong to the colonial nation, without also being part of the colonised one. But I think the sheriff, by his hesitation, showed a caution that provides a good example for political researchers.

I think it is time to let the suppressed and silenced *minor voices* through. Those issues must be approached with utter caution, because they are rather sensitive. *Firstly*, data access depends on trust, and this is the case for state archives as well as for indigenous communities. *Secondly*, concepts handed down from the old tradition needs re-thinking, in particular, a one-sided “realist” theory would lead to unrealistic interpretations. This is all the more challenging because political researchers, by finding proofs, provide input into the uneven development of rights and proofs, which, in turn informs the uneven application of institutional violence. Therefore, there is hardly any such thing as actively non-violent political and social science.

2.3.3 Social movements as constituent power

The experience from Sápmi indicates that social movements may sometimes be capable of influencing a system transformation, including constitutional amendments. As addressed above, transformation society may go hand in hand with transformation of knowledge: Claims that are now put forward by moderate politicians may have been framed as extremist activism only one generation ago. What was intended as coercive law enforcement one generation ago, may be revealed as having been unlawful suppression. Experiences from Sápmi show that even within apparently consolidated democracies a movement for fundamental systems transformation may more or less succeed, and also, they may succeed in proving that the initial situation was not so democratic after all.

How do social movements respond to their political environment, and how may they

empower themselves to transform it?¹⁵⁵ In social movement studies, there has been a strange disappearance of certain relevant issues: of capitalism as background variable,¹⁵⁶ and of fundamental systems transformation as an outcome variable.¹⁵⁷ At least this is the case within what we might call “mainstream social movement studies in the North Atlantic area”. If we are to put back in such structural background and outcome variables, however, then it will give us some challenges: Then we must also address the relationships between a movement's framings, the scientist's description, and the material realities. That is no easy task, especially not when one person's law enforcement still might be another person's unlawful suppression. That is the case when, as in Sápmi, there is an uneven development in the implementation of human rights, and that includes uneven development in proof finding. The challenge for social movement research is conceptual, methodological and ethical.

In order to communicate about such issues, one possible way is to use terms from constitutional theory. The popular power to create a legal order (formal or informal) is called *constituent power*. The capacity of the legal order (formal or informal) to enable or limit people's power is called *constituted power*. The relationship between constituent and constituted power has been much debated after the breakup of the Soviet Union and the emergence of the European Union. The legal scholar Joseph Weiler observes that “[i]n many instances, constitutional doctrine presupposes the existence of that which it creates: the *demos* which is called upon to accept the constitution is constituted, legally, by that very constitution.”¹⁵⁸ Thus, there is a circular or spiralling relationship between the effect of the constituted order on popular power, and the effect of popular power on the constituted order.¹⁵⁹ Such mutual re-constitution may be sudden, as in the Velvet Revolution, or slow, as in the emergence of the European Union. Such transformative processes involve the re-definition of various *demoi*, whose territories are partly overlapping. Related issues such as imperialism, separatism and minorities-within-the-minority are being researched by legal scholars such as the Kosovo-based Zoran Oklopčič.¹⁶⁰ Within geographically entangled nations, the relationship between constituent and constituted power may be seen as an open-ended multi-level constitutional process. Saki Bailey and Ugo Mattei claim that within such complex, dynamic systems, *social movements* constitute channels of constituent power.¹⁶¹ The *geographical complexities* I have already addressed, in my discussion of research on nation-building. The *historical dynamism* is an equally relevant dimension for social movements. In the political history

¹⁵⁵ Routledge 1993; Slater 1997

¹⁵⁶ Hetland & Goodwin 2013

¹⁵⁷ Giugni 1998; Giugni 2004: “Conclusion”

¹⁵⁸ Weiler 2001: 184; cited in Oklopčič 2008: 358

¹⁵⁹ Yack 2001: 517-23; cited in Oklopčič 2008, 358

¹⁶⁰ Oklopčič 2008; Loughlin & Walker 2007: 367-9; Oklopčič 2013

¹⁶¹ Bailey & Mattei 2012

of Norway a liberal-nationalist movement vanguard succeeded in creating the 1814-constitution, while this, in turn, helped them to cultivate national solidarity among common folk, through a process of nation-building.¹⁶² Nation-building included systematic ethnical discrimination against Sámi people, and colonial administration of Sámi areas, and this systematic discrimination is the reason why Sámi indigenous rights activists could use the ICCPR and the ICESCR to transform the host states.¹⁶³ Thus, peoples and states may be seen as two complex adaptive systems, and two of the processes that mediate between them are top-down nation-building and bottom-up social movements.

For social movement research in the North Atlantic area, the co-evolution of constituent power and constituted power allow us to return to the two issues mentioned above: structural conditions as background variable, systems transformation as an outcome variable. On the one hand, some colleagues are worried that corporate capitalism has disappeared from the attention of social movement researchers, while this was the main concern for their object of study; the global justice movement.¹⁶⁴ Thus, the researchers threw the baby out with the bath water: When they rid themselves of Marxian prejudice, they suddenly had no tools to address Capitalist prejudices. On the other hand, some other colleagues were interested in researching the transformative effects of social movements, but succeeded only in addressing how movements may influence mainstream policy, thus failing to inquire how movements may change the polity *per se*.¹⁶⁵ Thus, mainstream social movement research in the North-Atlantic region has concentrated on reformist movements within the North Atlantic region, while the radical transnational movements against global capitalism was left to their colleagues and competitors, the de-radicalisation researchers. Their concept of “radicalisation”, however, is a source of confusion,¹⁶⁶ and who is “radical” depends on the point of view: for the NAFTA, the EZLN are radical terrorists who violate state laws, but for the EZLN, the NAFTA is a Jacobin intervention in violation of ancient customary law. Either party can claim to defend against violent violations of existing laws. In either case, constituent power is at stake. The twin concepts constituent and constituted power are what we should put back in to mainstream social movement research in the North Atlantic area. That would allow us to research structural strain as a background variable, as well as transformative power as an effect variable. Thus, the mainstream of social movement research in the North Atlantic region may overcome the specific limitations now described – that are also specific political biases. One is obviously politically positioned if one accuses NAFTA of being a Jacobin project. If one accuses the EZLN of

¹⁶² Steen 1951; Seip, 1974; Sørensen 2001.

¹⁶³ Pedersen 1999; Pedersen 2011

¹⁶⁴ Hetland & Goodwin 2013

¹⁶⁵ Giugni 1998; Giugni 2004: “Conclusion”

¹⁶⁶ Sedgwick 2010 (thanks to Stephan Malthaner for this reference)

being radicals, one is just *less obviously* politically positioned. Since 1989, the mainstream social movement research in the North Atlantic area has spent its energy on proving that reformist movements are civilised citizens, while movements that are being stigmatised as radical are being left, or *given away* to de-radicalisation research. With this move, however, mainstream social movement research in the North Atlantic area not only failed to be useful for the Global Justice Movement. Additionally, it also failed to develop a really strong alternative to the competing explanation it was made to confront: the so-called “breakdown theories”.

Now I will have a look at “breakdown theories”, and then at the positive alternatives. In political practice, such explanations are being used to suppress opposition: In the Arctic area, environmental justice movements mobilise against oil and gas industry, mining, intensive forestry, and industrial fishery. Sometimes and in some places, claims of indigenous self-determination challenge state-certified property rights. The *former* may be in accordance with ICESR §1, but the *latter* are policed by NATO and CSTO. Anti-fracking activists in Canada are being labelled as “radicals” and “potential terrorists”, while anti-Gazprom activists in Russia are stigmatised as “hooligans” and “foreign agents”. These seem to me as two versions of the same argument, both implying that the monopoly of violence is the only valid source of law, that the constituted order must be static, and that popular power will lead to violence. Such framings are a heritage from the cold war. During that period, Seymour Lipset argued that the Western, Structure-Functionalist “consensus theory” actually was more sensitive to conflict than the Eastern, Marxist-Leninist “conflict theory”, because, he claimed, it was more *hobbesian*.¹⁶⁷ That is probably true if he compared to Western Marxism. However, in the Eastern Bloc, where Marxist-Leninists were in a hegemonic position, they were hardly less hobbesian. In fact, the perceived need among the political class to maintain hegemony against perceived internal threats, might explain authoritarianism in the Eastern Bloc.¹⁶⁸ In the Western Bloc, both Lipset and Kornhauser insisted that all political attitudes they themselves happened to see as “extreme” would also be politically pathological. Both claimed that one necessary outcome of modernisation was “moderation”, and that this, in turn, was a necessary precondition for social stability.¹⁶⁹ Radicalism, they claimed, would threaten social stability, and thus lead to authoritarianism. Concern for potential systems breakdown, and lack of interest in systems transformation, were two premises in Parson's structure-functionalism (before Merton reformed the theory).¹⁷⁰ The Afro-American civil rights movement, the Native American movement, the radical feminists and the anti-war movement were all radicals. Therefore, breakdown theory was for McCarthyism what hegemony theory was for Stalinism.

¹⁶⁷ Lipset 1985: 4

¹⁶⁸ Laclau & Mouffe 2001 (1985): 55, 58-65

¹⁶⁹ Lipset 1960: 56, 109 ff, cited in Hoffmann-Lange 2009: 59-60; Kornhauser 1959, cited in Barnes 1995: 152

¹⁷⁰ Østerberg 1998: 113-8, 185-190

Against both models, the Structure-Functionalist and the Marxist-Leninist, the sociologist Barry Barnes argues: “As social theorists, if not as moralists, orthodox functionalists and Marxists have an identity of interest. They are alike interested in the conditions of stability and change”.¹⁷¹ He argues that the two theories have *similar assumptions* regarding stability and change, structure and dynamics. System equilibrium is defined as static, while system change is defined as sudden and dramatic. The idea of revolution is a strong political myth among liberalists and socialists.¹⁷² For the “founding fathers” of sociology, social change had been conceptualised as dialectic between static equilibria and revolutionary breaks. Such was the “moral passion” of Marx and Durkheim, as well as the *realpolitik* of Michels and Weber.¹⁷³ During the Cold War, this myth was used by both superpowers to justify suppression of internal opposition, and funding of armed insurrections abroad. The same may have been the case for the policies of grand powers in the later uni-polar and multi-polar world orders. David Graeber, an organic intellectual of the Occupy Wall Street movement, ridicules the political myth saying that everything has now become perfect in nominal democracies, and therefore internal opposition should be suppressed, while other countries need revolution, and therefore their opposition should be armed with weapons.¹⁷⁴ In fact, what is breakdown theory regarding domestic policy is Jacobinism regarding foreign policy.

But there have been *changes* in how sociology conceptualises *social change*. This correlates with new strategies among the newest social movements, such as Occupy Wall Street, Democracia Real Ya, and the Global Justice Movement, where “[c]onstituent power has reappeared, and in an imaginative, radical and remarkably non-violent form”.¹⁷⁵ New theories of social change have been developed by a recent generation of sociologists, most prominently Giddens and Bourdieu. Those theoretical developments have co-evolved with empirical developments in history and anthropology.¹⁷⁶ They all inquired plural power-relations in everyday socio-economic and socio-cultural praxes. Social historians did time series analysis of long-term conjunctures at the macro level.¹⁷⁷ Social anthropologists did close-up snapshots of everyday practice at the micro level.¹⁷⁸ The relation between micro and macro came to be seen as one of continuous reciprocal causation: tangible praxes at the micro level were seen as *conditioned by* invisible patterns at the macro level, but at the same time, the dynamic equilibria at the macro level were seen as aggregates *continuously emerging* from the micro level. Sociologists in the generation of Weber had based themselves on

¹⁷¹ Barnes 1995:42-46

¹⁷² Graeber 2012

¹⁷³ Hughes 2002 (1958): Chapters 3, 7 and 8

¹⁷⁴ Graeber 2012

¹⁷⁵ Graeber 2012

¹⁷⁶ Burke 1993; Nustad & Krohn-Hansen 2005

¹⁷⁷ Burke 1992 (1990): 82-3, 105-10, 149-51

¹⁷⁸ Bourdieu 1977

national histories tracing the actions of elites, using data left by those elites.¹⁷⁹ But colleagues in the generation of Giddens could base their findings on much richer historical data, on quantitative conjectural waves and concrete everyday praxes. Sociological theory had become less elite-centric, because democratisation had brought new data and new research questions: what had once been re-defined as private was now re-defined as political.¹⁸⁰ This veritable paradigm shift may be seen as a response to the feminist slogan “the private is political”. Braudel, Bourdieu, Giddens, Collins and others suggested various theoretical syntheses of this micro-macro relation.¹⁸¹ For his own version, Giddens chose the label *structuration* theory, to emphasize that for a praxis-theory of social reproduction, *structure = change*. Though *structuration* is general sociology, and not specifically political sociology, *The Constitution of Society* was nevertheless the title of the book presenting the theory.¹⁸² The constitution of political constitutions is a more limited category than the constitution of society. However, that difference may be small, depending on what school of legal theory one applies. For some, and especially with regard to indigenous peoples, constitutional law may include informal customs and social norms.¹⁸³ Thus, structuration theory, and similar sociological theories of the micro-macro relation, are all relevant for a political sociology of constituent power. Nick Crossley has argued that Bourdieu's variety of “structuration” theory could be useful to research structural strain as a *background variable*.¹⁸⁴ I think he underestimates the potential of his own suggestion, since he does not mention system transformation as an *outcome variable*. However, one colleague of his who does try to be attentive to both sides of the mutual causation between micro and macro is Donatella della Porta. She uses the term “*emergent causation*” to describe mutual causal influence between different variables. Della Porta's “emergent causation” contains the common denominator of all the recent sociological syntheses: social action and social structure as emergent phenomena. Her term could potentially also contain Joseph Weiler's circular model of constituent popular power and constituted political order. The main difference between models of emergent causation on the one hand, and breakdown theories on the other, is that the former portrays human behaviour as *complex adaptive systems*, while the latter is focused on *static order* and *sudden change*. Both agree that a system may be rather static and change may be rather abrupt, but only the latter assumes that this is the only alternative. Complex adaptive systems are not always in social “harmony”. Interdependencies may include forced resource extraction, low-intensity warfare and imperial manipulations. Transnational social movements are not contained within a nicely delimited civil society, but are political actors in complex geopolitical games.

¹⁷⁹ Rokkan 1970:13

¹⁸⁰ Ariès & Duby 1987

¹⁸¹ Giddens 1984; Bourdieu 1977; Collins 1988; Burke 1992 (1990): 71-81

¹⁸² Giddens 1984

¹⁸³ Bailey & Mattei 2012: footnote 18

¹⁸⁴ Crossley 2002

Now I have suggested solutions to a number of issues for social movement studies in the North Atlantic region: the strange disappearance of capitalism as a background variable, addressed by Hetland and Goodwin, the failure to trace systems transformation as an outcome variable, lamented by Giugni, the irrelevance for transnational movements that are being stigmatised as “radical”, and the impotence to develop a strong alternative to so-called breakdown theories. My suggestion was to turn to recent sociological theory about the constitution of society. More specifically, I suggested that Donatella della Porta's model of emergent causality should be married to Joseph Weiler's concept of circular causation between constituent popular power and constituted political order. Thus, we may address the constituent power of social movements as an outcome variable, on the background of the already constituted order, as a background variable. In order to be relevant for social movements, we should apply constitutional legal theory in the *widest* sense. Thus, the constituent power of social movement may or may not be channelled through the already constituted system,¹⁸⁵ and they may be aimed at shaping “constitutional practices” rather than written constitutions.¹⁸⁶

Movements may pursue various paths to fundamental systems transformation. In the past, the concept of “armed revolution” was part of the liberalist and socialist ideologies. Within the North-Atlantic region, the myth of the armed revolution is strong among those liberal and conservative governments who armed revolutions abroad, in Libya and Syria.¹⁸⁷ But within the North-Atlantic region, the radical left, “chastened by the disasters of the 20th century, has largely moved away from its older celebration of revolutionary violence”¹⁸⁸ The radical feminists and environmentalists, the anti-war movement, the Global Justice Movement, Occupy Wall Street and Democracia Real Ya and the Native American organisations, all aim at *fundamental systems transformation*, which is *radical change*. They pursue a plurality of paths to “build the new society within the shell of the old”.¹⁸⁹ At least at an ideological level, those paths are supposed to be neither reformist nor revolutionary, because the strategical goal is not to change society via government position, but to transform society directly.¹⁹⁰ Such is the way whereby most of the newest social movements in the North-Atlantic area pursue constituent power. This is a reality that social movement researchers in the North-Atlantic area will have to relate to, conceptually, ethically and epistemologically, in order to become relevant for those movements, and to develop a stronger theoretical alternative to breakdown theories.

¹⁸⁵ Colón-Riós, J 2010: 240

¹⁸⁶ Bailey & Mattei 2012: footnote 18

¹⁸⁷ *Limes* #2, 2013 (special issue on the Syrian civil war)

¹⁸⁸ Graeber 2012

¹⁸⁹ Graeber 2009: 217, 235, 242, 282

¹⁹⁰ Hallaway 2002

2.4.0 In Summary: Socio-Material (Re)production of Geopolitical Order

Now I have discussed some ways whereby political research may take the consequence of the paradigm shift in jurisprudence and legal history: on the one hand the right of indigenous self-determination, on the other hand the new proof in legal history that was provided by the Sámi Rights Commission. The past is no longer what it used to be, and I summed up the new knowledge as this: *In Sápmi, the siida-system never fully disappeared, while the state-system was never fully consolidated*. There has been a de facto legal and jurisdictional pluralism since time longstanding, even though sovereignty, understood as monopoly of violence in a territory, has been sorted out. I have discussed two dimensions: the spatial and the temporal, or structure and change.

Regarding spatiality or structure, I followed a number of colleagues who have concerns about the political bias of “methodological nationalism and statism”: political scientists such as Bauböck and Neumann,¹⁹¹ social anthropologists such as Eriksen and Hoëm.¹⁹² But as a *positive alternative* I proposed to follow historians in their spatial turn and geographers in their turn to historical-geographical process¹⁹³. In particular I followed the suggestion of David Slater and Paul Routledge, to trace mutual causal impact between social movements and political environments,¹⁹⁴ what Routledge calls “terrains of hegemony and resistance”. That brought me over to the temporal dimension.

Regarding temporality or process, I followed some social movement researchers who wish to put political-economic structure back into social movement research, both as a background variable (to explain activism) and as an outcome variable (explained by activism).¹⁹⁵ I started by addressing the limitations of “breakdown theorists”, such as Lipset and Kornhauser.¹⁹⁶ Following Barry Barnes, I suggested that they are too fixed on the myth of revolution, which is central to the liberal and socialist traditions. The progress in social history¹⁹⁷ and social anthropology¹⁹⁸ has led to new praxis theories of *social (re)production* for example by Bourdieu and Giddens.¹⁹⁹ This progress in sociological theory has informed constitutional lawyers, such as Joseph Weiler,²⁰⁰ but also social movement scholars, such as Donatella della Porta.²⁰¹ Some have bridged those two literatures,

¹⁹¹ Bauböck 2008; Neumann & Sending 2010; Falk 2012

¹⁹² Eriksen & Hoëm 1999; Gingrich & Fox 2002

¹⁹³ Conrad & Sachsenmaier 2007; Werner & Zimmermann 2006; Shapiro 2003

¹⁹⁴ Slater 1997; Routledge 1993, Routledge 1997, Routledge 2008

¹⁹⁵ Crossley 2002; Goodwin & Hetland 2013; Giugni 1998; Giugni 2004

¹⁹⁶ Lipset 1960: 56, 109 ff, cited in Hoffmann-Lange 2009: 59-60; Kornhauser 1959, cited in Barnes 1995: 152

¹⁹⁷ Burke 1992 (1990)

¹⁹⁸ Nustad & Krohn-Hansen 2005

¹⁹⁹ Bourdieu 1977; Giddens 1984

²⁰⁰ Weiler 2001

²⁰¹ Della Porta 2013: 18-21; della Porta 2014 : 14-22

addressing the *constituent power of social movements*.²⁰² In my opinion, such concepts do make sense of the strategies pursued by transformative social movements that are neither reformist nor revolutionary, but *prefigurative*, striving to “build the new society in the shell of the old”.²⁰³

Consequently, I suggested that we may address the mutual causation between *constituted power* and *constituent power*, which is the processual dimension of the “terrains of hegemony and resistance”. It does not matter if we use Gramsci's Marxian terms “hegemony and resistance”, or if instead we use Rokkan's Functionalist categories “centre and periphery”. Either conceptual duality may serve well, as long as we do not lapse back into the dogmatic “grand theories” of Marxist-Leninism or Structure-Functionalism, but instead keep an empirical sensitivity to *tangible practices* located in *tangible terrains* – the socio-material field of action.²⁰⁴

Now that the general conceptual layout has been decided, let us zoom in on the most important issue for this thesis: the art and science of constituent power.

²⁰² Bailey & Mattei 2012

²⁰³ Graeber 2009

²⁰⁴ About the concept of the “socio-material field of action” see Østerberg 2011

3.0.0 CONCEPTUALIZATION: ART & SCIENCE OF CONSTITUENT POWER

3.1.0 Chapter Introduction

3.1.1 (Re)production of Geopolitical Order: challenges for political science and practice

Finally, I have arrived at discussing the main issue for my research: state transformation. With terms defined in the previous chapter, this is a question of how (concrete) human bodies, situated in (concrete) terrains, may bond together and empower themselves by building (virtual) capacity to transform the (virtual) historical-geographical formations that condition their situation in the (concrete) terrain. This is the art and science of constituent power. Scientific knowledge is a tool of empowerment. The science of constituent (and constituted) power gains legitimacy and funds from its capability to be practically applicable for the art of constituent (and constituted) power.

3.1.2 The art of constituent power: three pathways

The art of constituent power is all the strategies pursued by social movements when they empower themselves to re-constitute some political opportunity structure. When such strategies and pathways are being observed systematically, it is the science of constituent power. There is a close symbiosis between the art and science of constituent power. The practical questions of the art inform the research questions of the science, and empower some research agendas financially. The science informs the art, and empowers it to discover opportunities for action. There are several paths to empowerment, and some of them are more challenging than others, either conceptually, epistemologically, or ethically.

Conceptually and theoretically, political science has to grasp how movements try and at times succeed in re-building society. From my own experience with those movements, I would say that the main strategy is to create new ways of doing things, to build new institutions. It includes development of alternative practices, and trials with alternative technologies. It may include self-empowerment through barter or micro-credit, and it may include confrontations in the form of civil disobedience. In the Global Justice Movement, as I know from inside, this form of constituent power would be called “*non-violent direct action*”, and its aim is to create the potential society within the shell of the old by practicing or instituting new socio-material institutions. More

analytically, we may call it *prefigurative satyagraha*, mixing terms from Gramsci and Gandhi. For this conceptual development, I hope it would be useful to use my discussion about nation-building and social movements, the spatial and temporal dimensions of state transformation.

Ethically and strategically, political scientists also must choose between various ways to frame political violence, used either by hegemonic or oppositional groups. In the movement we characterise such action repertoires as “*violent direct action*”, as distinct from non-violent direct action. More analytically, such practices may be called *prefigurative war-of-position*, using two terms from Gramsci. Within the Western world, the latter issue may be especially challenging in areas with *de facto* jurisdictional complexity, such as the homelands of Native Americans, Aboriginal Australians, and Arctic Sámi. In such areas, it may be ethically and strategically challenging to choose the right research question and contextualisation, not only if we observe insurgent political violence, but also if we observe the institutional violence of the states. In indigenous homelands, different social communities may hold different intersubjective perceptions of what is legitimate or legitimate means to sanction norms. This plurality of opinion is part of the actual political environment. Therefore, it is biased if the political researcher casually takes for granted that there automatically is correspondence between what forms of coercion he happens to feel is legitimate, and what forms of coercion may or may not enjoy actual legitimacy among the population.

Epistemologically and methodologically, the most challenging issue is how the scientific search for proof serves the pursuit of rights. The indigenous rights struggle – similarly to historical research in postcolonial India and post-dictatorship Spain – includes efforts to find proof and spread knowledge. Those are scientific and didactic activities. These involve an element of agitation and strategic information, what we would call “*symbolic action*” in the Global Justice Movement. However, proof-finding is a specific form of semiotic practice that cannot be reduced to rhetoric, because it involves empirical proof and rational argument. Knowledge is empowering because it may help us to gain more reliable framings of the actual opportunity structure. This cannot be reduced to political rhetoric, but neither can it be reduced to politically detached observation. Perhaps the empowering function of knowledge could be characterised as *prefigurative enlightenment*. This actualises the whole contentious debate about knowledge and prejudice, *episteme* and *doxa*, conjectures and refutations. To practice political science is in itself an act of constituent power.

Now I have drawn a distinction between three different paths to *constituent* power. Those are also paths whereby *constituted* power is being executed. This is because the maintenance of social order always implies slight transformation of that social order, by adapting to whatever changes might take place in the environment. Thus, one might say that the paths of *constituent* power are the

paths whereby *constituted* power is being both maintained and transformed.

Table 3-1: three paths of constituent praxes and constituted order

<i>Forms of action</i>	<i>Repertoires of constituent power</i>	<i>Approaches to political research</i>
Customary praxes	Prefigurative satyagraha	Political institutionalism
Knowledge praxes	Prefigurative war-of-position	So-called political “realism”
Coercive force	Prefigurative enlightenment	Political constructivism

3.1.3 The Science of Constituent Power: three approaches

The science of constituent power is the systematic inquiry into of the art of constituent power, and such inquiry, unavoidably, provides more or less reliable resources for one of the pathways of constituent and constituted order, the one I have called “prefigurative enlightenment”. To discover new proofs, and to revise old knowledge, are transformative or constituent praxes: they contribute to transforming the already established or constituted body of knowledge. With all empirical sciences, the constituted body of knowledge is constantly revised by the impact of constituent empirical proofs. This is a process of prefigurative enlightenment, though it may proceed in fits and starts, and pose questions of relevance to some political interests while silencing under-researched issues that would have been of relevance to some other political interests. Some political scientists take interest in the politics of perceptions, including the political consequences of political science itself: the pathway I have called “prefigurative enlightenment”. But most political scientists observe other forms of constituent praxes and constituted order: the pathways I have called “prefigurative satyagraha” and “prefigurative war-of-position”. I think those different research interests roughly correspond with different approaches to political science. The different approaches or schools of political science are sometimes divided in three: *institutionalism*, *constructivism*, and *so-called realism*.²⁰⁵

I would suggest that when social movements pursue the path of *prefigurative satyagraha* then they try to do the things that *political institutionalists* describe. This, in my experience, is the case for most radical movements in the contemporary period and within the North-Atlantic area.

Other radical oppositional movements, or Jacobin movements in government, may pursue the path of *prefigurative war-of-position*, and then they try to do the things that are described by those who call themselves *political “realists”*. This may be relevant for all indigenous rights movements, including the non-violent ones, because they relate to the institutional violence of their

²⁰⁵ E.g.: Neumann & Waever 1997:15

“host” states.

Finally, some transformative movements pursue the path of *prefigurative enlightenment*, through scientific fact-finding, didactic dissemination, or at times, even agitation. Thus, they strive to do the things described by *political constructivism*. This is obviously relevant for the transnational indigenous rights movement, where proof-finding in legal history and legal anthropology has co-evolved with legal reforms in international human rights norms.

If I am correct to draw this analogy between the three paths to prefiguration and the three schools of political science, then one might argue that research on the constituent power of environmental justice movements would need to integrate all three schools of political science. The different approaches to political science offer highly different methodological and theoretical tools. This difference may be seen as a conflict or competition between the approaches, or as a complimentary division of labor. This might help us to tackle some of the challenges posed by each of the three paths to constituent power.

Prefigurative satyagraha, I have argued, is the most widely pursued path to constituent power chosen among transformative movements in the North Atlantic region. However, it is also a conceptually and theoretically challenging one. I think political institutionalism may be relevant to observe oppositional cultural practices, alternative socio-technical standards, and emerging moralities.

Prefigurative enlightenment, in addition, is rather widely pursued, and especially among indigenous rights movements and other environmental justice movements. This is epistemologically and methodologically challenging, because the object of observation and the act of observing are interdependent. I think political constructivism (at least in some of its forms) may provide helpful tools to observe the political power of science, including the political power of political science itself.

Prefigurative war-of-position, finally, is also highly relevant for indigenous rights movements and environmental justice movements, because they may often be met with coercive power from state governments, even though this coercion might contest social legitimacy. How to frame political violence (hegemonic or oppositional) is an ethical and strategic challenge, and here I think a moderate dosage of so-called “realism” might be helpful.

3.2.0 Rights and Proofs VS Brute Force

3.2.1 Experiences from areas where Norway and Sápmi overlap

There appears to be *two rival explanations* regarding the ongoing state transformation in areas where Sápmi and Norway overlap. One might come across the rival theories as discursive formations in the published political research. My own discovery of those rival theories was through multi-sited fieldwork, including nodes of knowledge production as well as localities within the water areas that I study. First I will bring the reader with me to my discovery of the explanatory framework that I have used myself. This is what I call the new school. Thereafter I will address the relation between this new old school and another new school. Finally, I will show how I discovered that the old school, in spite of being generally outdated, nevertheless offers some wisdom that we from the new school should not forget.

Finding the new school: Through my travels, I came across fellow travellers: political researchers who build further on the Sámi Rights Commission and its new proof on the legal history. I read the political sociologist Audun Sandberg, who recognises that legal pluralism is a fact on the ground, and has been since times longstanding, even this was ignored by Norwegian historians until the 1990s. Sandberg has taken his concept and methods from a rather strong alternative to methodological nationalism and statism: Elinor Ostrom's Social-Ecological Systems (SES) framework. This form of political institutionalism has a materialistic, empirical and stochastic grounding, in studies of how rational actors solve common pool problems in their use of natural resources. The framework was applied to trace the policy process that brought about the Finnmark Act, one of the first attempts to sort out the right to land and water in some of the areas where Norway and Sápmi overlap.²⁰⁶ SES has been adapted to study decision making in “polycentric settings”, with both “formal” and “informal” norms, and consequently²⁰⁷, it is capable of taking into account that longstanding customs have been continuously maintained and developed in Sápmi, in spite of attempted criminalisation from the states.²⁰⁸ Sandberg, following Ostrom's neo-institutionalist approach, focused on the politics of norms, or the struggle to define rights. He did not focus on the politics of science, or the struggle for proofs. At my fieldwork, however, I came over traces of the legal anthropologist Gro Ween, and when I tracked them back to her university, I found that she took part in a research project that applied John Law's version of Actor-Network Theory (ANT) to observe knowledge and power in the Norwegian management of the salmon

²⁰⁶ Sandberg 2006; Sandberg 2008a:

²⁰⁷ Guha-Khasnobis, Kahbur & Ostrom 2006; Hart 2006; Keohane & Ostrom 1995; Christensen 2006

²⁰⁸ Berge & Stenseth 1998

stocks.²⁰⁹ Since I knew Ween's mentor, the economic anthropologist Marianne Lien,²¹⁰ I was accepted as a visiting scholar on their project, and become Ween's apprentice. The form of ANT practiced by Law, Lien and Ween, with Asdal,²¹¹ might be seen as a form of political “neo-constructivism”, because it is a constructivism that avoids idealist speculations, by choosing a materialistic, empirical and possibilistic grounding. Unlike SES, it is not probabilistic, or interested in general patterns, but ideographic, and interested in discovering “surprising forms of power”.²¹² Ethnographic fieldwork brought Law and Lien to salmon farming facilities.²¹³ Ween studied the management of wild salmon in the Deatnu River, between state-certified science under each state, and traditional knowledge in the local Sámi community.²¹⁴ ANT is interested in the open-ended and unfinished nature of epistemic knowledge, and therefore it is open to trace interactions with tacit knowledge, of the type that has been kept and developed through the actual usage of nature in Sámi communities. For the ANT researcher Gro Ween, the main focus was knowledge practices, the struggle for proof. For me, her contribution appeared to be complimentary to that of the SES scholar Audun Sandberg, whose focus was customary practices, the struggle for rights. Additionally, they appeared complimentary because the one used possibilistic methods to develop hypotheses about surprising forms of power, while the other used probabilistic methods to develop hypotheses about general patterns. During fieldwork, I had gradually started to use SES and ANT, through several rounds of iteration between formation of coding categories (that appeared to make sense of the data material) and collection of data material (that could give information about the coding categories.) The complimentary character of SES and ANT emerged as an appropriate way for political research to follow up the research from the Sámi Rights Commission, and to take into account its findings about longstanding customs and traditional knowledge. The final output emerged as I wrote up my thesis, as a specific set of explanatory mechanisms.

The old and the new schools: However, as I wrote up my thesis, it gradually also became clear that there exists a rival theory. Some political researchers inquire the consequences of the Sámi Rights Commission, such as the Finnmark Act, while at the same time looking away from the new proof that was brought by the Sámi Rights Commission. In my opinion, these colleagues use the science of the old state to research the transformation to the new state. When I came across their writings during my fieldwork, I had considered these “old school” researchers as totally outdated,

²⁰⁹ Law & Singleton 2012. ANT-grounders Law, Latour and Callon sometimes express discontent with the name that was once chosen for the approach, and then they got stuck with it. Latour (2004) suggested that better terms might have been “the sociology of associations” or even “associology”. However, for the sake of convenience, the label ANT is still being used.

²¹⁰ Lien 1997; Lien 1987

²¹¹ Asdal 2011

²¹² Law & Singleton 2012

²¹³ Lien & Law 2011; Law & Lien 2013; Law 2012

²¹⁴ Ween 2010; Ween 2012a; Ween 2012b; Ween in prep; Ween & Lien 2012; Ween & Flikke 2009

but as I wrote up my own research, I realised that they might have some points that the “new school” should not forget. I have now made some strong statements about an old and a new school, but such statements are contentious, and thus they need justification. Norwegian political researchers, according to my experience, tend to draw a distinction between two different ways of doing things, two paradigmatic alternatives. In the 1990s, the established state scientists (*statsvitere*) called themselves “realists”, while they were challenged by young scholars who called themselves “critical theorists”²¹⁵. The young researchers got jobs at various research institutes and university departments, for example in anthropology and development studies, and they are now kept together by a pan-Nordic network of I.R. scholars.²¹⁶ At the same time, the empirical transformation of the states has led the old school state scientists to discussing whether they should revise their basic categories, such as sovereignty and citizenship²¹⁷. Thus, we now have two competing schools of state-certified political research in the Norwegian political entity. Both respond to the same political transformations. From the old school, Østerud and Matlary zoom in on the “denationalisation of defence”, and frame this pessimistically, as a loss of parliamentary sovereignty²¹⁸. From the new school, Neumann and Sending zoom in on multilateral institutions, and frame this optimistically, as further democratisation beyond nationalistic particularism²¹⁹. The two schools emphasise quite different things, one providing a perspective from state-centred “realism”, the other a mix of institutionalism and constructivism. The new school researcher Iver B. Neumann has close affinities with the approaches that I had come across and adapted to during my own fieldwork: on one hand he is interested in multilateral institutions²²⁰, as with Sandberg, and Ostrom's SES, on the other hand he is also an anthropologist, who has published with Ween, the latter using Law's ANT.²²¹ With my own affinity to ANT and SES, my own research was clearly new school. In fact I had been rather antagonistic to the so-called “realist” state science, ever since the controversies in the 1990s.

Return to the old school? It was not until I returned from fieldwork, and engaged more actively with the literature, that I realised that state-centred realism is not entirely unrealistic, if it is used as a supplement to other approaches. As I sat down to write up my research, I decided to confront the old school, from within the new school. Only then had I really to consider the rival theory thoroughly. Some of their assumptions are totally outdated, and I have addressed some of them above, in the discussion about nation-building in a trans-boundary region (2.2.0-2.3.0). However, I found that they might also remind us in the new school about some wisdom that we

²¹⁵ Huseby 1997

²¹⁶ Friedrich 2012

²¹⁷ Olsen 2012: 136-7

²¹⁸ Østerud & Matlary 2007

²¹⁹ Neumann & Sending 2010

²²⁰ Ibidem

²²¹ Ween 2010

might have forgotten. The so-called “realist” view on the loss of parliamentary power may actually be *fatalistic*, but the institutionalist-constructivist view on emerging transnational democracy might be too *optimistic*. Like the attempt to implement democracy within a national framework was partly a failure, the attempt to implement indigenous rights on top of that might also not have been fully successful. Anne Julie Semb, one of the state scientists (*statsvitere*) that I discussed as an example of “methodological nationalism and statism” (2.2.3) has also done another study on Sámi rights, that has more focus on the temporal dimension. She operationalises this as a question of how *norms affect policy*.²²² Implicitly, this is also a question of *how norms affect polity*, because the policies in question include a constitutional amendment. Thus, I realised that this is, implicitly, a study on the constituent power of social movements. This is the very topic that I myself had been researching, though with totally differing data and concepts. Therefore, there was good reason for me to see what she had done, and to relate to that. There are two arguments in her article that I find particularly interesting: (1) *Firstly*, she argued that when the UN had enacted new human rights norms, then the Norwegian state would have to ratify them in order to save face. Her argument is that this state is so small, that one of its few assets in international politics is its moral reputation. (2) *Secondly*, she argued that policy makers in the Norwegian state administration assessed that there was a risk for oppositional political violence could. She found documentation that such a perception existed, by doing archival research in police archives. With the proofs and arguments presented in the article, she does convince me that she has found two of the (many) relevant mechanisms to explain the constituent power of the indigenous rights movement, in areas where Sápmi and Norway interact. However, what other relevant mechanisms might exist? What would be the relative impact of each mechanism? As with all empirical causal analysis, we need both empirical data and causal models. *Regarding the data*, Semb has had obtained access to valuable data from the police archive, but she has not done participant observation among indigenous rights activists. *Regarding the models*, she belongs to a specific paradigm: the so-called state-centred realism. This is the dominant school at her workplace, the Department of State Science at the University of Oslo. As with all qualitative historical research, her selection of data sources is partly dependent on the initial causal model, while her resulting historiographical explanation is partly dependent on the selection of data.²²³ This is not particularly biased, because this is how the historical method works. Though this is not particularly biased, it is bound to be *positioned*. This is because history is partly model-dependent, while the model is partly dependent on values and interests.²²⁴ I think this research is an interesting and relevant contribution. Thus, I am not at all as

²²² Semb 2001; Semb 2003

²²³ Carr 1987 (1961)

²²⁴ *ibidem*

critical of Semb's research on constituent power, or the processual dimension (discussed here), as I am of her research on self-determination, or the spatial dimension (discussed in 2.2.3 above). When she dealt with political geography, her state-centered realism was a set of blinkers that made her ignorant of the actual legal and jurisdictional complexity in Sápmi, which had already been proven by the Sámi Rights Commission. However, when she deals with political history, her state-centred realism enables her to zoom in on some of the particular mechanisms that I, as a new school political scientist, had not traced. She assumes that coercive force and strategical interests do matter for state formation, maintenance of public order, and regime change. Then it is highly relevant to select police archives as a main source of historical data. She has selected a particular causal model, of relevance for particular policy interests, and this enables her to discover some particular facts. If she had selected another causal model, relevant to other policy interests, she might very well have discovered some other particular facts. My own research identifies *different particular facts* on the basis of *different data sources*. My data selection was guided by *different causal models*, which are relevant to serve *different policy interests*, and also, implies a need to build trust and gain access among *different social groups*. As political and social scientists, the two of us reveal and highlight different aspects of the reality, made visible by diverging research interests, serving diverging practical interests. To what degree our explanations are complimentary, and to what extent they are competing, is something I will discuss in the final chapter of this thesis. Semb's article on how norms affect policy (and polity) is a relevant contribution, but still I think there are very good reasons to supplement this with other empirical studies informed by other causal models. Taken in isolation, her article may lead the reader to exaggerate the significance of coercive force, strategy, and public security, but taken as one of several complimentary perspectives, her article may provide valuable insights into some of the pathways that might matter. I had regarded state-centred realism as the rival theory, which had to be refuted. But if I can refute anything, then it is the reductionistic or fatalistic use of so-called realism. What I cannot refute is moderate and sound application of some realist tools, among other tools.

3.2.2 Revisiting the Science of Constituent Power: three or two approaches?

Earlier I discussed Semb's so-called “realist” approach to research how norms affect policy (and polity), versus my own “institutionalist” and “constructivist” approach to the same issue (in 3.2.1 above). The explanations we offer are competing or complimentary, because we both deal with *the art and science of constituent power*. This is closely related to the *typology of constituent and constituted power* that I presented above (in 3.1.2 above). The various paths of constituent and

constituted power were sorted into three types (table 3.1): (a) prefigurative satyagraha or maintenance of norms; (b) prefigurative enlightenment or maintenance of knowledge; and (c) prefigurative war-of-position or maintenance of monopoly-of-violence. Each of those paths deal with phenomena that are the specialty of three different approaches to political research, zooming in on three different explanatory variables: (a) institutionalists on customary praxes, (b) constructivists on knowledge praxes, and (c) so-called realists on coercive force. These distinctions correlate with the cleavage between old school and new school of Norwegian political science (table 3.2). The old school adheres to so-called realism (c above), while the new school started as constructivist, but over time it also incorporated institutionalism (a and b above).

Table 3-2: *Three paths of constituent praxes and constituted order*

<i>Approaches to political research</i>	<i>Schools in the Norway/Sápmi overlap</i>	<i>Scholars in the Norway/Sápmi overlap</i>
Institutionalism	New school	Sandberg, Nustad, Neumann, SES
Constructivism	New school	Ween, Asdal, Neumann, ANT
So-called “realism”	Old school	Semb, Østerud & Matlary, military science

During my fieldwork on state transformation in the high north, I came across three specific forms of political institutionalism, constructivism and so-called realism (table 3.2). Areas where Norway and Sápmi overlap have specific natural and cultural conditions that actualize the relevance of specific approaches to political research.

When Audun Sandberg studies institutional change by applying Elinor Ostrom's SES framework, then he does a specific form of institutionalist research which is specialized on social rules embedded in natural resource use. This is a *materialist form of institutionalism*, because it is informed by economic “substantivism” and consequently it sees norms as practices developing in the use of material goods. When Gro Ween inquires the politics of knowledge by using Law & Singleton's ANT approach, then she does a specific form of constructivist research which is specialized on the politics of those forms of knowledges (traditional or epistemic) that are based on practical observation of nature. This a *materialist form of constructivism*, because natural phenomena are not put in brackets; it is a “materialist semiotics” as Law calls it.²²⁵ Therefore, both ANT and SES are specifically *materialistic* forms of the two respective approaches they belong to: materialist constructivism and materialist institutionalism. This fits well in areas where Norway and Sápmi overlap, because the Sámi Rights Commission published proof that traditional subsistence practices (fishing, hunting, gathering and herding) was the practice whereby customary norms and

²²⁵ Law 2009

traditional knowledge had been continuously maintained and developed in Sámi areas, ever since the ancient tribal confederacy disappeared. But it is also relevant with the *third materialistic approach*, which is the *state-centred “realism”* of Østerud and Matlary. The Sápmi territory, the Barents Sea Basin, and the entire circumpolar Arctic are divided by the boundary between two grand military alliances. Also this is a factor that forms the political opportunities for local political actors. The so-called realism of the old school is unrealistic in the way that it is helpless to make sense of existing customary laws and traditional knowledge that are not sanctioned by any state. That is the where the new school has proven useful, especially with its application of SES and ANT. However, the new school may be insensitive to the actual geo-strategical game in the area, which is the specialty of the old school.

The old school runs the risk of a too one-sided focus on one explanatory variable, thus turning realism into *fatalism*. The new school is strong on those variables where the old one is weak, but runs the risk of overlooking actual violence, thus being *over-optimistic*. For the art and science of constituent power, *fatalism* may lead to unnecessary escalation of suppressive violence, while *over-optimism* may lead to unwise tactics, and that may attract suppressive violence as well. *The rivalry which exists between the old and new theories* is relevant for Sámi research as well as for social movement research (see tables 3.3 and 3.4).

3.2.3 Relevance for Sámi research

Regarding Sámi research, it is necessary to find handy ways to conceptualise the new insight that in jurisdictional pluralism goes hand in hand with clear-cut state sovereignties in Sápmi: new proofs in legal history have *re-constituted collective knowledge* that *refers to the the actual constituted order*. In a nutshell, I formulated this constituted order as the *siida*-system never fully disappearing, the state-system never being fully consolidated. For the state-centred realism, this might sound dangerous, like system breakdown or civil war, but it is actually not (even though the states have used institutional violence against an indigenous people who refrained from answering violence with violence). Some of the research on customary norms and traditional knowledge render the state-centred perspective unrealistic (table 2.2, the right column). However, for the SES framework and the ANT approach, this makes total sense, because informal norms and tacit knowledge are seen as no less relevant than codified norms or scholarly knowledge. When the *map* drawn by state-centred realists no longer corresponds with the *terrain*, then SES and ANT produce better maps. However, the *maps* drawn by SES and ANT can hardly trace coercive force when it *actually takes place* (table 2.2, the bottom line). Even though the Sámi have been reluctant to answer violence

with violence, they have nevertheless been subject to violence, and the struggle for rights implies a re-programming of the apparatus of institutional violence, not its abolition. This dimension should not be forgotten in a struggle striving towards the ideal restorative justice.

Table 3-3: Sámi research²²⁶ which fits within state-centred “realism”, and which renders it unrealistic

<i>Sámi research</i>	<i>Compatible with state-centred realism</i>	<i>Renders state-centrism unrealistic</i> ²²⁷
Customary praxes ²²⁸	Formalist conceptualisation	Substantivist conceptualisation
Knowledge praxes ²²⁹	Technical methodology ²³⁰	Ethical-legal methodology ²³¹
Coercive force	Structural violence ²³²	---

3.2.4 Relevance for Social Movement Research

Regarding social movement research, (especially within mainstream social movement research in the North-Atlantic region) some are content to follow reformist protest movements, that are contained within the civil society of finished state formations²³³ – social movements contained by constituted power. Others wish to follow the indigenous, regionalist, environmentalist and feminist movements, in order to trace their efforts to “build the new society within the shell of the old”²³⁴ – social movements as constituent power. Some researchers with special interest in environmentalism, gender politics, or media activism have done research on the transformative power of cultural and organisational praxes (table 2.3, right column). Susanne Staggenborg has applied general theory from Randall Collins to trace the generative power of organisations and culture, while Alice Mattoni has specialised on the generative power of culture, Donatella della Porta and Ugo Mattei on the generative power of organisations.²³⁵ The research on organisation and culture has been largely separate.²³⁶ Della Porta and Staggenborg have brought those together within micro-interactionist sociological frameworks. However, the microinteractionist alternative is less sensitive to the material dimension than SES and ANT, which specialise on the socio-material. Mattoni has applied

²²⁶ More precisely: Sámi research with main focus on areas where Norway and Sápmi overlap (my access to Sámi research is limited to that published either in English or in Scandinavian (Norwegian, Swedish), excluding everything published in Finnish, Russian and even in the Sámi languages.)

²²⁷ Porsanger 2004; Thuen 2004. See also: Falk 2012; Bauböck 2008; Eriksen & Hoëm 1999; Gingrich & Fox 2002.

²²⁸ Jebens 2010: 22

²²⁹ Joks 2009

²³⁰ Holm 2003

²³¹ Solbakk 2007

²³² Otnes 2005; Minde 2005a; Langlais 1999

²³³ Tilly, Tarrow, McCarthy 2001; Tilly 1981

²³⁴ Graeber 2009; Bailey & Mattei 2012; Adams, Clemens and Orloff 2003 (Thanks to David Pretel for the latter reference.)

²³⁵ Bailey & Mattei 2012; Della Porta & Piazza 2008; Mattoni 2012; Staggenborg 2002

²³⁶ Snow 2004; Zald & McCarthy 1987

ANT to study media praxes, while Mattei has suggested that SES is relevant to explain how social movements obtain collective action.²³⁷ In my opinion, the micro-interactionist syntheses provide even stronger explanations if we make them more materialistic, importing SES and ANT. When I research *terrains of hegemony of resistance* in Sápmi, I can hardly ignore the ecological dimension of the political-ecological conflicts. In these terrains, the micro-interaction clearly involve “resource units” (SES) and “non-humans” (ANT). Such a package of materialist institutionalism and materialist constructivism can help us trace how customary praxes and knowledge praxes might constitute channels whereby constituent power and constituted order are executed in real terrains. Thus we can address the realities that della Porta refers to with her model of mutual causality between democratisation and mobilisation.²³⁸ However, we will serve movements for environmental justice badly if we ignore violence as a real factor of politics. Movements need to know how to avoid attracting violent suppression. One of the few mainstream social movement scholars who take interest in coercive force is della Porta, and also this phenomenon she describes with a model of mutual causality between political violence and protest policing.²³⁹ (Table 2.3, the bottom line.)

Table 3-4: Social Movement Research²⁴⁰ which fits state-centred “realism”, and which renders it unrealistic

<i>Social movement research</i>	<i>Compatible with state-centred realism²⁴¹</i>	<i>Renders state-centrism unrealistic²⁴²</i>
Resource mobilisation ²⁴³	Network as civil society organisation ²⁴⁴	Network as social capital ²⁴⁵
Framing & media practices ²⁴⁶	Culture as social psychology ²⁴⁷	Culture as prefigurative praxes ²⁴⁸
Coercive force	Political violence / protest policing ²⁴⁹	---

To understand the struggle for rights and proofs in Sápmi, one should trace how everyday resistance and social mobilisation may function as social defence against repressive violence, and also, how the uneven attempt to implement rights implies an uneven reform of repressive violence.

²³⁷ Mattoni 2012; Mattei 2011; Bailey & Mattei 2012

²³⁸ Della Porta 2014: 14-22

²³⁹ Della Porta 2013: 20-1

²⁴⁰ More precisely: mainstream social movement research in the North-Atlantic region (this is one particular “discursive formation” or “family” within the vast jungle of publications about or of social movements, for example, this field does not include Escobar, Negri, or Klein, who would be central references in closely related discourses)

²⁴¹ Tilly, Tarrow, McCarthy 2001; Tilly 1981

²⁴² Graeber 2009; Bailey & Mattei 2012; Adams, Clemens & Orloff 2003 (Thanks to David Pretel for the latter reference.)

²⁴³ Zald & McCarthy 1987

²⁴⁴ Diani 2004

²⁴⁵ Mattei 2011; Della Porta & Piazza 2008; Staggenborg 2002

²⁴⁶ Snow 2004; Mattoni 2012

²⁴⁷ Snow 2004; Klandermans 2004

²⁴⁸ Mattoni 2012; Earl 2004; Whittier 2004; Staggenborg 2002

²⁴⁹ Della Porta 2013

Thus, for both Sámi research and social movement research, it is relevant to set the predictions of old school, with its state-centred “realism”, against the predictions of the new school with its institutionalism and constructivism. On the one hand, a moderate use of old school concepts and methods may help us avoid over-optimistic political strategies (Tables 2.2 and 2.3, the bottom line). On the other hand, the new school provides concepts and methods that may help us avoiding fatalistic strategies (Tables 2.2 and 2.3, the right column). That is how the old and new schools may provide explanations that are competing or complimentary for the art and science of constituent power.

3.2.5 Rival theories: cooperation VS command

La [...] ultima opposizione
è quella della
cooperazione
contro il comando.²⁵⁰

Let us turn to the more particular pathways or mechanisms of the constituent and constituted powers. Elinor Ostrom is especially interested in the distinction between two different ways of “solving” common pool problems,

1. *either* self-organisation through collective action,
2. *or* imposition of rules by central command.

The former alternative is described by her own “new theory” of natural resources management, which gained her the Nobel memorial prize in economics. The latter alternative is described in the “old theory” inherited from Hardin and Hobbes.²⁵¹ In other words, Ostrom's main research interest is the contrast between the different predictions made by her own neo-institutional theory, versus the predictions made by old school state-centred realism: the rival explanation. She does not claim that her own theory always applies. Her point is that it sometimes does apply. Therefore Ostrom does not argue that the rival theory is always wrong. However, she has proven that it is not always correct. This is her main contribution, for which she gained the Nobel memorial prize.

On the one hand, “If users can engage in face-to-face bargaining and have autonomy to change their rules, they may well attempt to *organize themselves*. Whether they organize depend on attributes of the resource system and the users themselves”²⁵²

²⁵⁰ “The ultimate opposition is the one of cooperation against command” (my translation), Negri, A. 2002 (1992): 409

²⁵¹ Ostrom, Walker & Gardner 1992

²⁵² Potete, Janssen and Ostrom 2010: 245

On the other hand, “When users cannot communicate and have no way of gaining trust through their own efforts or with the help of the macroinstitutional system within which they are embedded, the prediction of the earlier theory is supported. Ocean fisheries, the stratosphere and other global commons are closest to the appropriate empirical referents.”²⁵³

However, this does *not* imply that *either there is only cooperation and harmony, or there is only competition and conflict. There might very well be both*, for example collective action internally within a coalition of participants, but external competition against another coalition. To define the rules, informally or formally, can be a struggle to obtain some hegemony in some social arena: “When a *winning coalition* of users concludes that the expected benefits from creating and following their own rules (as well as modifying them over time) exceed the immediate and long-term costs, they are likely to reformulate these rules.”²⁵⁴ Finally, it is not necessarily easy to distinguish changes to formal rules from changes to informal rules. “The dynamic of political competition and *coalition formation* can alter political priorities and influence policy implementation and enforcement, even in the absence of changes in government or policy.”²⁵⁵

Such processes actualise both elements from “the old” as well as “the new” theories, and thus, we make a hybrid of two concepts to describe the data. That is logically consistent, because Ostrom's law-like formulations are nothing else than stochastic models anyway – she has made a praxis theory, not a metaphysical theory. Because of this pragmatism, it is quite consistent to combine the old and the new theory, SES and so-called realism, to see which one might be more applicable in which situations.

Because of the same pragmatism, it is also quite consistent to supplement the *competing stochastic generalisations* with a drive towards increased specification, in order to discover unexpected forms of power, thus with Law and Singleton's ANT.²⁵⁶

3.3.0 Conceptualisation: a composite materialist approach

3.3.1 Terrains of hegemony and resistance: the old theory VS the new theory

After having observed the two competing theories (in the present chapter), let us now return to the observed decolonization of international human rights law (in Chapter 2). In that chapter I drew

²⁵³ *ibidem*

²⁵⁴ *ibidem*

²⁵⁵ Potete, Janssen and Ostrom 2010: 244

²⁵⁶ Law & Singleton 2012: 11

some conclusions regarding the spatial and the temporal, structure and change. Regarding the spatial, I argued that indigenous self-determination, as a collective human right, renders “methodological nationalism and statism” irrelevant, and instead I suggested that political science should turn to empirical historical geography. Regarding the temporal, I argued that the continuous struggle to define international human rights, as a constituent practice, renders the transformative social movements as being too important to be left to national security studies, and instead I suggested that social movement researchers should turn to constitutional theory about the social (re)production of constituent praxes and constituted order. Both issues were contained in Paul Routledge's term “terrains of hegemony and resistance”, while the casual relation between constituted order and constituent praxes were described in terms by Joseph Weiler and Donatella della Porta. Those suggestions are *geographical*, because constituted order is seen as historical-geographical formations, and they are *praxiological*, because constituent praxes are seen, as by Bourdieu (and the Norwegian sociologists Østerberg and Otnes), as *socio-material (re)production* (through “praxis”) of *socio-material structures* (so-called “facticity”).²⁵⁷

How do such geographical and praxiological premises fit with the distinction between the “new school” and the “old school” that I have observed in the present chapter? Those two schools offer two different sets of concepts and methods to operationalise and observe geographical structure and praxiological process. In the empirical research for this thesis, I have operated within the new school (institutionalism and constructivism) to which I belong. However, in order to “control for” the potential bias of wishful thinking, I supplement this with the old school (so-called realism) in the final theoretical discussion.

1. When I operate within the new school (which I prefer), I operationalise “constituted order” as *landscape ecology*, and articulate “constituent praxes” as a *mélange* of *SES* and *ANT*.

²⁵⁷ The *praxiological materialism*, as a theoretical approach in general sociology, was developed within the existentialist philosophy of Merleau-Ponty (1945), de Beauvoir (2000 [1949]) and Fanon (2002 [1961]), though these concepts are often attributed to Sartre (1996 [1946]). There was a *materialist phenomenology*, something that might sound like a contradiction in terms for social scientists who are trained within the Anglophone tradition, where *idealist phenomenology* is often seen as a particular theoretical approach in general sociology (see e.g. Collins 1988). While idealist phenomenology emphasizes social relations and social construction of reality, materialist phenomenology, by contrast, emphasizes the sensing and acting body, and the structural strains in the environment (called facticity). Bourdieu (1977) builds on this theoretical tradition, and into the Scandinavian context, it has been translated by Dag Østerberg (1993, 1998, 2011). The same tradition has also had some influence on poststructuralist free-thinkers such as Spivak (1988), Haraway (1996) and Deleuze & Guattari (1980). The latter strand has also been translated into the Scandinavian context, for example by Per Otnes (1997). The phenomenological and the poststructuralist strands of praxiological materialism articulate the shared theme in philosophically dissimilar ways. On the one hand, the phenomenologists chose a way of argumentation that I would characterise as *is logically coherent, but discursively closed* (e.g. Østerberg 2011 and Bourdieu 1977). By contrast, the poststructuralists tend to argue in ways that I would characterise as *logically unfinished, but discursively dialogical* (e.g. Otnes 1997 and Haraway 1996). During my own sociological formation, my supervisor was the same Otnes, while I received other strong influences from the mentioned Østerberg. While I remain deeply indebted to these teachers of mine, my own position has nevertheless developed in accordance with Bhaskar's (1983) elaboration of praxiological materialism, towards a combination of neopositivist and poststructuralist tendencies (Jensen 2000, 2002, 2013). For the present work, its final theoretical discussion will find its philosophical grounding in the nuclear physicist Niels Bohr (1938).

2. When I become old school (as taking on a role), “constituent power” is operationalised as *neoclassical geopolitics*, while “constituent praxes” is articulated as by *Machiavelli*.

Tables 3.5 and 3.6 illustrate how the two rival theories are being used to explain the pathways of constituent and constituted powers. Table 3.5 gives a summary of the various ways to operationalise constituted order geographically. The two upper lines show the new theory, the bottom line the old theory. Table 3.6 summarizes the different ways to operationalize constituent praxes in praxiological terms. Also here, the two upper lines show the new theory, the lower line showing the old theory.

Table 3-5: *The geographical view on constituted order (spatial dimension / structure)*

<i>Approach</i>	<i>Geography of constituted order</i>
Institutionalism	Environmental landscape geography (resource geography) ²⁵⁸
Constructivism	Humanistic landscape geography (humanistic geography) ²⁵⁹
So-called “realism”	Classical geopolitics and critical geopolitics (geopolitik as realpolitik) ²⁶⁰

Table 3-6: *The praxiological view on constituent praxes (temporal dimension / process)*

<i>Approach</i>	<i>Praxiology of constituent praxes</i>
Institutionalism	SES: Collective choice games in bounded action situations ²⁶¹
Constructivism	ANT: Temporary nodes of intersubjectivity in nets of socio-material change ²⁶²
So-called “realism”	Machiavelli: Capability (Virtù) to know opportunities (Fortuna), and act upon them ²⁶³

These are various ways to operationalise the terrains of hegemony of resistance (or to say the same in less Marxian and more Functionalist terms: terrains of centre and periphery). However, a common denominator is that all the options shown here are *materialistic*.

Above I argued that SES and ANT should be seen as two specifically materialistic forms of institutionalism and constructivism. Both deal with practical interactions between nature and culture, but one focuses on customary praxes, the other on knowledge praxes (Tab. 3-6). Likewise, landscape geography puts focus on the interactions between nature and culture, either emphasizing ecology and economy, or perception and semiology (Tab. 3-5). Also strategical geopolitics and Machavellian “realism” are materialistic, with their focus on coercive force. With all these approaches, the (concrete) *terrain* becomes a mediator between (concrete) *human bodies* and

²⁵⁸ Klemsdal 2000; Evans & Manson 2007; Ekiba & Evans 2009; Manson 2007

²⁵⁹ Ingold 1986; Makhzoumi & Pungetti 1999; Olwig 2002; Oliwig & Jones 2008; Jensen 2002

²⁶⁰ Chauprade 2007; Ó Tuathail, Dalby & Routledge 2006

²⁶¹ Ostrom 2005: 15

²⁶² Latour 2004: 191-218, 237

²⁶³ Althusser 1998: 91

(virtual) historical-geographical formations. The *terrain* is the *context* and *outcome* of socio-material *praxis networks*. The *terrain* is the sensuous, *observable interface* between practical action (constituent praxes) and its socio-material environment (constituted order).

This materialism is a break with certain tendencies within mainstream social movement research in the North Atlantic area. Framing processes were observed in terms of micro-interactionist phenomenology.²⁶⁴ Resource mobilization was observed in terms of rational choice, but in the abstract, away from socio-ecological situations.²⁶⁵ Susanne Staggenborg has woven those tendencies neatly together. Following Randall Collins,²⁶⁶ she suggests that collective action at the micro level leads to the emergence of practice networks at the meso level, which eventually may *upscale* to transform social formations at the macro level. This is very good, but in my opinion it still is bounded by the limitations of interactionist phenomenology and abstract rational choice, neither of which is materialistic. However, materialistic alternatives do exist. Materialistic phenomenology was developed by de Beavoir and Fanon.²⁶⁷ Materialistic rational choice theory was adapted by Elinor Ostrom in her SES framework.²⁶⁸ Materialistic network theory is found in Law & Singleton's ANT approach.²⁶⁹ Michael McGinnis has pushed also SES in the direction of a materialistic network theory.²⁷⁰ When I now try to conceptualise the terrains of hegemony and resistance, it can be seen as an attempt to *ground* Staggenborg's meso-theory in material human bodies, and material historical-geographical formations, which both meet in material tactical terrains.²⁷¹

²⁶⁴ Snow 2004

²⁶⁵ Zald & McCarthy 1987

²⁶⁶ Staggenborg 2002; Collins 1988

²⁶⁷ de Beavoir 2000 (1949); Fanon 2002 (1961)

²⁶⁸ Potete, Jansen & Ostrom 2010

²⁶⁹ Law & Singleton 2012

²⁷⁰ McGinnis 2011a

²⁷¹ How can this materialism account for causal links between geographical *scale* and bodily *practice*? The "new school" approaches SES and ANT, but also the "old school" Machiavellism, all suggest some possible explanations for how collective action at the micro level lead to the emergence of practice networks at the meso level, which eventually may *upscale* to transform *socio-material formations* at the macro level. Thus, all three approaches take interest in how human agency (*Virtù*) might transform its own opportunity structure (*Fortuna*), at multiple geographical levels. Geographers have applied concepts and methods from SES and ANT to study *allocation* and *perceptions* of natural resources (e.g. Evans & Manson 2007; Ekiba & Evans 2009; Thrift 1999; Metzger 2014). In a parallel process, the theoreticians of SES and ANT have taken interest in how customary praxes and knowledge praxes may upscale to constitute *socio-economic institutions* (e.g. social capital and watershed governance) and *shared bodies of knowledge* (e.g. data registers and standardised measures) at multiple geographical scales (Ostrom 2005; Latour 2004). However SES and ANT both take interest in landscape ecology, the two approaches nevertheless approach the shared subject matter in two rather different ways. On the one hand, SES deals with *stochastic generalisation*, about individual units, but aggregated at an ecological level, where the analytical system boundaries varying from particular action situations to socio-ecological systems at multiple levels (Potete, Jansen & Ostrom 2010). On the other hand, ANT deals with *specification of possibilities*, revealing particular practical realities, which might have been silenced by more generalising statements, thus, disaggregating organizations and ecosystems into constituent parts, in the form of heterogeneous networks of socio-material productive relations (Latour 1993 (1991), 2004). The *differences* between SES and ANT indicate the *limitations* of each approach. Maybe of that reason, there appears to be more cross-fertilizing among scholars committed to further development of each approach. On the one hand, SES scholars who research institutional change take interest in how collective action in one particular action situation, for

This materialism is not dialectical materialism, and neither is it mechanical materialism. The new theory is concerned with mutual adaptations between nature and culture. That is too functionalist to be mechanical materialism, and too sensitive to nature and culture to be dialectical materialism.²⁷² The old theory could have been mechanical materialism (Hobbes) or dialectical materialism (Gramsci), but instead I will choose one more form of materialism, in postmodern readings of Machiavelli. Now, I will proceed to elaborate how the suggested composite materialist approach may deal with the two dimensions that were discussed in the Chapter 2: the spatial and the temporal. Since my research interest is the transformative capacity of social movements, the argument will relate to the state of the art within social movement research. Regarding the spatial dimension (3.3.2), the argument will be related to the recent anthology *Spaces of Contention*.²⁷³ For the temporal dimension (3.3.3), the text will relate to the modern classic *Dynamics of Contention*.²⁷⁴

3.3.2 Spatial Dimension: The geography of constituted power

In the previous chapter I argued that a *geographical turn* would be a positive alternative to “methodological nationalism and statism”. Firstly, geography is sensitive to spatial complexes, for example when there is jurisdictional pluralism (referring to sources of law) together with monopolised sovereignty (referring to institutional violence).²⁷⁵ Secondly, geography is also

example an assembly, may shape the rules that regulate the action in another particular action situation, for example a fishing place (Ostrom 2005: 58-64, 290-291), and therefore, in a suggested amendment to the SES approach, McGinnis (2011a) has suggested that each social institution can be dissected into “networks of adjacent action situations”, including both customary praxes and knowledge praxes. On the other hand, the ANT scholars, in response to feminist studies of technology and society, have suggested that “...a ‘structure’ is simply an actor-network on which there is scant information” (Latour 2004: 202, see also 154, 169, 171), and that it ethically/strategically virtuous to take such context into regard (Law & Singleton 2012). The *conciliation* between SES and ANT is a clear tendency in on-going efforts to overcome the limitations of each approach. If we draw an analogy the software industry, the latest “official releases” of SES and ANT are incompatible, whereas the “beta versions” for software developers open up a shared field of trial and error. This is where I have operated with the empirical parts of this thesis, which explain state transformation in terms of landscape ecology. However, in the final theoretical discussion try to control for the possible bias of wishful thinking, by turning to competing explanations from the “old school”, in the form of geostrategic analysis and contemporary re-readings of Machiavelli. When responding to the post-structuralist and neo-positivist critiques, Althusser (1998, 2003) left his former Marxism behind, and instead he developed a re-reading of Machiavelli, as a network theory of physical forces known and unknown. As a doctrine for the production of political scales, the Machiavellian network theory has been theorized by Deleuze & Guattari (1980: Chpt. XII-XIII) and is being practiced in contemporary warfare (Weizman 2007, Subcomandante Marcos 1997, RAND 1998). This “old school” theory, if taken in isolation, may provide reductionist explanations and fatalistic predictions, but if the “new school” theories ANT and SES are taken in isolation, they may also provide reductionist explanations, combined with over-optimistic predictions. Chapter 4 will discuss how to combine these three materialist approaches in a manner that can be ethically and strategically responsible.

²⁷² For a materialist critique of mechanical materialism as well as dialectical materialism, see Bhaskar (1983). See also Bohr (1938).

²⁷³ Nicholls, Miller & Beaumont 2013

²⁷⁴ Tilley, Tarrow & McAdam 2001

²⁷⁵ For a study of overlapping sovereignties in postcolonial Latin America, see Agnew & Oslender (2010, 2013). Thanks to Paul Routledge for this reference. In Sápmi, by contrast, only the states have applied institutional violence, whereas the indigenous peoples have refrained from answering violence with violence. The customary laws of the

sensitive to the interactions between humans and nature, for example the politics of natural resources management.²⁷⁶ Geography allows us to *map* the actual *terrains* of ecological complexity, cultural complexity and political complexity. This may potentially be an empirical and concrete alternative to generalising assumptions about “holocultural” nations or “sovereign” states. In other words: geography is an empirical alternative to “methodological nationalism and statism”. Thus I decided to follow David Slater and Paul Routledges, who study how social movements are conditioned by political-geographical environments, but also contribute to transforming such environments.

How are we to operationalise a term like Routledge's “terrains of hegemony and resistance”?²⁷⁷ The indigenous rights movement in Sápmi is an environmental justice movement in an area where traditional subsistence practices have maintained and developed local customs and local norms since times longstanding, and thus, there is an existing situation of *jurisdictional*

indigenous peoples in Sápmi (Jebens 2010: 22) have been continuously maintained and defended by non-violent sanctions.

²⁷⁶ E.g. Klemsdal 2000; Makhzoumi & Pungetti 1999

²⁷⁷ Defining “space” and “place”: How does the suggested *composite materialist approach* relate to various definitions of “space” and “place” among political geographers? Paul Routledge, as a member of the jury for this thesis, has challenged me to provide a more nuanced understanding and analysis of *spatial politics*. In particular, he emphasized that geographical space is, simultaneously, the *context* and *outcome* of myriads of *processes*, and thus, he questioned my statement (in the draft version of this thesis), that that the “container” of materialist political geography “is not *objective* ‘space’ nor *subjective* ‘place’, but tactical terrains.” The problem is that the concept of a universal geometric “container” for particular geographic formations itself is part of the crudest form of spatial objectivism, a form of naive realism or old-school positivism (Gregory 2000a, Duncan 2000), often associated with “brutalistic” spatial planning (Gregory 2000b, Routledge 1993: 139) or with ultra-conservative geopolitical analyses (Smith 2000). This old school form of political geography, similarly to what I have characterised as old school political science, is a dangerously naive realism. Such over-objectivist conceptions of “geometrical space” in geography is frequently found among scholars who have specialised on refined interpretations of inter-subjective “phenomenological place” (Agnew 2011), and this might perhaps be the case for the geographical research that I committed more than ten years ago (Jensen 2002). Back then, I assumed a dichotomy between “objectivist space” and “subjectivist place”, but contemporary human geography, however, has left this dichotomy behind. *On the one hand*, the experts on inter-subjective “senses of place” now combine the study of semiotic or phenomenological processes with data about political-economic conditions, such as location and locality (Agnew 2011), in a direct response to radical feminist critique (Massey 1991, 1994). *On the other hand*, the experts on objectivistic “spatial science” now see geometry merely as a practical tool (Johnston et al. 2014), while acknowledging the significance of normative “evaluating models” during the act of observing (Evans & Manson 2007), as well as place-specific “regimes of information” as an object of observation (Ekiba & Evans 2009). *In sum*, there has been a mutual adaptation between the objectivistic spatial analysts and the subjectivistic place interpreters, and both groups now participate in debates about self-critical planning practice as a “technology of care”, e.g. in the journal *Environment and Planning* (Metzger 2014a, Evans & Manson 2007, Jessop, Brenner & Jones 2008). In my opinion, this transversal and practically oriented debate is nicely compatible with the concept “terrains of hegemony and resistance”. This in spite of Routledge (1993: 25-29, 138-143) himself chose to elaborate the concept with reference to Agnew (2011) and other contemporary “place interpreters” rather than the contemporary “spatial analysts”. When the term “terrain of hegemony and resistance” is being translated into the context of my thesis, it gains a slightly different meaning. Theoretically, this thesis leans towards a praxis materialism that has a preference for the critical realists Bhaskar (1983) and Bohr (1938) rather than the left-hegelian Lefebvre (1974, cited in Routledge 1993: 27). Practically, this thesis observes the “terrains” in combination with two other geographical terms, both of which may be either objectivist or subjectivist. In the empirical chapters, the terrains are being approached according to the “new school”, in terms of collective action that is shaped by and gives shape to *landscape geography*. In the final theoretical discussion, the terrains will be approached in terms of the “old school”, in terms of coercive force that is shaped by and gives shape to *theatres of operation*. Both “landscape” and “theatre (of operation)” are practical terms, referring to the sensual, empirical, experienced “surface” of the material environment, and thus, both terms are compatible with spatial analysis as well as place interpretation.

pluralism. This we can learn from the reports from the Sámi Rights Commission. However, those learnings imply that the *de facto constituted order* includes much *more than only the state apparatus*. The *siida*-system never fully disappeared, while the state-system was never fully consolidated. There is partial spatial overlap between those two orders, but only the states police their norms with coercive force. The indigenous community, by contrast, uses non-violent sanctions and social defence. Traditional political geographers dealt with states and empires, but never with peoples that practice non-violent forms of jurisdiction.²⁷⁸ Therefore, when I research terrains of hegemony and resistance in Sápmi, I must look beyond traditional political geography. In the empirical chapters, I use SES and ANT to trace constituent praxes, and in the geographical introduction to the case studies, I introduce the constituted order in a geographical introduction, emphasising nature and culture, similarly to SES and ANT (Table 3.5, the two upper rows). In the final theoretical discussion I compare my findings to the rival theory: Semb traced some paths to constituent power in terms of state-centred realist approach. Here I re-introduce the constituted order, but this time in terms strategically oriented geopolitics (Table 3.5, the bottom row).

The new school, geography of land tenure management: As a geographical equivalent to SES and ANT, I have found *landscape geography*, with two different specialisations. Two branches have evolved from the practical problems of tenure management.²⁷⁹ *One branch* of landscape geography is now found within departments of natural sciences, and has specialised on resource economy, landscape ecology, hydrology, forestry and agronomy.²⁸⁰ Let us call them “environmental” landscape geographers. *Another branch* of landscape geography is found in departments for humanistic sciences, and this has specialised on issues of interpretation, perception, and symbolic meaning.²⁸¹ Let us call them them “humanistic” landscape geographers. Thus, landscape ecology has evolved in two very different directions. Topics like soil quality and place identity do not have much in common. However, the duality of culture and nature has been part of landscape ecology since its origin, in the art and science of tenure management. Practical disciplines like landscape design and agricultural development still involve highly different theoretical disciplines. *The politics of natural resources management* is also an interdisciplinary practice, which actualises the need for the “hardest” natural sciences and the “softest” human sciences. Exactly like landscape geography has its “environmental” and its “humanist” branch, *political ecology* can make use of the SES framework and the ANT approach. In the geographical overview chapter (5.0.0), I combine elements from both forms of landscape geography. This is done by using the simplest possible form of Geographical Information Systems (GIS), which is to show a series of

²⁷⁸ Howitt 2003

²⁷⁹ Holt-Jensen 2007: 44

²⁸⁰ Klemsdal 2000; Johnston et. al 2014

²⁸¹ Olwig 2002; Makhzoumi & Pungetti 2004; Ingold 1986; Olwig & Jones 2008; Jensen 2002

maps. Thus, spatial descriptive statistics is represented visually, and can be interpreted qualitatively. In the empirical chapters, the terrains are being approach according to the "new school", in terms of collective action that is shaped by and gives shape to *landscape geography*.

The old school, geography of geo-strategy: As a geographical equivalent of Machiavellism, I have found geopolitics. Classical geopolitics correspond with high modern re-readings of Machiavelli: both give prime importance to the constituent power of brute force, and neither take any particular interest in the constituent power of knowledge.²⁸² But a more recent tradition, critical geopolitics, may be closer to the postmodern re-readings of Machiavelli, which combines an instrumentalist epistemology with study of instrumental application of force.²⁸³ Critical geopolitics is so reflexive that it may perhaps be more constructivist than so-called "realist", and thus it may be even closer to the Copenhagen school of security studies.²⁸⁴ In my opinion, *The Critical Geopolitics Reader* is so concerned about reflexivity that it might become more critical of the imperial traditions of the anglophone world than to those of other language areas. The authors are correct to be critical towards the states where they pay taxes and vote. However, the one-sided self-critique may also be read as an underestimation of the level of development among competing geopolitical actors. For example, Russia has been a perfectly capable colonial power in its own right, even though Britain may have seen itself as bigger. This is being recognised in the neoclassical geopolitics of Aymaric Chauprade, though he lacks reflexivity. I try to take the best from both in the final chapter of this thesis, when I discuss my own findings in contrast to the rival theory, state-centred realism. There I give a geopolitical view on the constituted order, striving to treat the power and knowledge held by NATO and CSTO on equal terms. In the final theoretical discussion, the terrains will be approached in terms of the "old school", in terms of coercive force that is shaped by and gives shape to *theatres of operation*.

In sum, how does this operationalisation relate to the state of the art for social movement research within the discipline of political geography? My particular operationalisation of Routledge's term "terrains of hegemony or resistance"²⁸⁵ has similarities with the suggestions put forward in the edited volume *Spaces of Contention*,²⁸⁶ and particularly in its conclusion. As a common denominator between the various contribution to the volume, Miller emphasizes empirical interest for generative *networks* and conceptual priority to *material* conditions, and for this purpose he suggests two approaches: one slightly neo-positivist, another rather post-structuralist.²⁸⁷ My

²⁸² Chauprade 2007

²⁸³ Ó Tuathail, Dalby & Routledge 2006; Althusser 1998; Althusser 2003

²⁸⁴ Buzan, Wæver & Wilde 1998

²⁸⁵ Routledge 1993

²⁸⁶ Nicholls, Miller & Beaumont 2013

²⁸⁷ As a conclusion to *Spaces of Contention* (Nicholls, Miller & Beaumont 2013), Miller (2013) suggests two alternatives, one slightly neo-positivist, another post-structuralist. His slightly neo-positivist alternative has resemblances

selection of approaches has so close resemblances with the conclusion in *Spaces of Contention* that I could have referred this in order to justify my choices. *Nevertheless*, I still see some significant shortcomings with the volume. (1) *Firstly*, as I have argued in this chapter, it is misleading to assume that coercive power plays any privileged role in the constitution of political order, especially in Sápmi, where longstanding norms have been continuously policed and defended by the power of non-violent sanctions alone. I will return to this at the end of this chapter, but in larger detail in the following chapter.²⁸⁸ (2) *Secondly*, in a review article in the journal *Antipode*, it was argued that *Spaces of Contention* lacks awareness methodology, in particular the "positionality" of the researcher and the virtue of "researching with" rather than "on" vulnerable social groups (Halvorsen 2013). Also this point will be touched upon at the end of the present chapter, but in more detail in the following chapter.²⁸⁹

with my preference for the SES framework (Potete, Jansen & Ostrom 2010), in particular how SES has been appropriated within the spatial science of natural resources management (Evans & Manson 2007). Miller's post-structural alternative is explicitly "deleuzian", and this theoretical tradition is in fact pluralistic enough to encompass what I have distinguished as two separate approaches: ANT and the post-modern Machiavelli. On the one hand, the ANT-founder Latour 1993 (1991) frequently cites Deleuze & Guattari (1980), whose chapters III-IV deal with socio-linguistic patterns might be dissected into their constituent networks of material-semiotic practice. On the other hand, the postmodern Machiavelli, developed by Althusser (1998, 2003), was applied by Deleuze & Guattari (1980) in their chapters XII-XIII, where they theorize how vectors of coercive force may adjust each other, form dynamic networks, and constitute political order. In sum, my selection of approaches has so close resemblances with Miller (2013) that I could have referred to his conclusions in order to justify my choice.

²⁸⁸ *Notes on Gramsci*: The division between "old school" and "new school" explanations of constituent power differs from how Gramsci originally explained the (re)production of hegemony. Though he was perceptive to the significance of knowledge praxes and customary praxes, he still assumed that coercive force played a privileged role in the making and maintenance of any political hegemony. More technically, Gramsci did take into account mass media as a component of cultural hegemony, and also, that real estate is a component of economic hegemony (Gramsci 1919, 1930), similarly to the research interest of contemporary constructivists and institutionalists, but nevertheless, he still assumed that all political systems, by necessity, are products of coercive force, or *military hegemony* (Gramsci 2012 (1932-4), Selby (undated), Cini 2012: 31-33, Routledge 1993: 29). Thus, in spite of his broad field of interest, Gramsci remained strictly "old school" with regard to his explanations, predictions and prescriptions for the constitution of political systems. His assumption may have been fit to serve the historical struggle of the Italian Communist Party (PCI). However, such an assumption is unfit in the case of in Sápmi, where the indigenous people have refrained from answering violence with violence, but nevertheless, have had some success in their effort to maintain and defend a longstanding normative system against intrusive states, and eventually, to influence the transformation of intrusive states. Notably, the PCI strived to implement a potential Marxist-Leninist republic, whereas the paradigmatic Marxist Leninist geopolitical project, the USSR, has been among the four intrusive states in Sápmi, against which the indigenous peoples of Sápmi have resisted non-violently. (Similarly, also the NATO member Norway counts among the four intrusive states in Sápmi, and at that side, Structure-Functionalism was used in ways that silenced the indigenous peoples in Sápmi. Rokkan classified centre-periphery tensions into a cultural, an economic and one *political-military* dimension [Rokkan & Flora 1999: end note 1], and also, until his very last years he assumed that indigenous peoples of Sápmi had become fully assimilated [Rokkan 1983, excerpt re-printed in: Rokkan & Flora 1999: 196, 208].) When I draw a categorical distinction between "old school" and "new school" explanations, then I break with the tradition from Gramsci (as also from Rokkan). The consequences are seen for example in part 7.2.2 of this thesis, in the discussion about "hydrological hegemony". However, it is not always simple to draw a clear distinction between violent and non-violent forms of contentious action (see the discussion in part 2.3.2). A road bloc, for example, might be classified together with various instances with "coercive force" or may be classified together with various examples of "nonviolent action". The interpretation may depend on particular context or situation, on the viewer's position or situatedness, and finally on the theoretical approach. (For more on this issue, see part 14.3.2, in particular the footnote with *reflections on non-violence*. See also part 14.4.1, in particular the footnote with *reflections on structural violence*.)

²⁸⁹ Thirdly, I will add a critical note about how *Spaces of Contention* (Nicholls, Miller & Beaumont 2013) was *materially dissemination*, as a *mode of knowledge-production*. When one member of my jury, Paul Routledge, had suggested

3.3.3 Temporal Dimension: The praxiology of constituent power

In Chapter 2 I suggested that a turn to praxiology or social (re)production is necessary in order to investigate the constituent power of social movements. In the present chapter I have drawn a distinction between three different paths to constituent power, corresponding with three approaches to political science. Thus, I have also observed that there appears to be two competing explanations: state-centred “realism” on the one hand, institutionalism (SES) and constructivism (ANT) on the other hand. Those two competing explanations provide different concepts and methods to study the praxiology of constituent praxes and constituted order.

The old and the new theories can both be represented with two causal models suggested by the social movement researcher Donatella della Porta. She is among the few mainstream social movement researchers in the North-Atlantic area who takes interest in the prefigurative potential of social movements, and also, in the problems of coercive force. *On the one hand* she has done research on the mutual causality between (A) political democratisation and (B) social mobilisation (Fig. 3.1, left side).²⁹⁰ *On the other hand* della Porta has also done research on the mutual causality between (A) protest policing and (B) insurgent political violence (Fig. 3.1, right side).²⁹¹

For social movement studies, the models are helpful to venture *beyond reformist movements* that are *contained by already constituted power*, and *also follow prefigurative movements* that *generate constituent power*. Model number 2 corresponds with “old school” studies of state

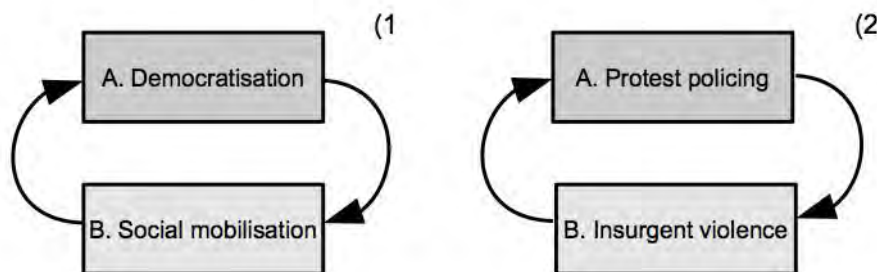


Figure 3-1: *Constituted structure and constituent action*

Two models of (constituted) opportunity structure and (constituent) social movement action²⁹²

that I have a look at the book, I realized that it is too expensive for individuals, while few libraries have bought it, and in too few copies to supply the demand. In the end I had to obtain a digital copy by hacking into a university library in Britain, illegally borrowing the password of a friend. This experience indicates that this book, though being a practical tool for potential empowerment, nevertheless is difficult to access for members of social movements outside hegemonic position. This is a result of the publishers having chosen to use a capitalistic property right regime, in strict contrast to some environmental landscape geographers, who argue in favor of *open source and open content* for data, software and publishing (Schweik, Evans, and Grove 2005). This third issue will not be further discussed within this thesis, but for its material dissemination I have chosen the latter property rights regime.

²⁹⁰ Della Porta 2014: 14-22

²⁹¹ Della Porta 2013: 18-21

²⁹² Della Porta 2014: 14-22; della Porta 2013: 18-21

formation, such as Tilly's sociological analysis of military history.²⁹³ Model number 1, by contrast, implies “new school” re-thinking of the same phenomenon. This model incorporates Mattei's use of SES to study constitutional change, Mattoni's application of ANT to trace social movement media praxes, Staggenborg's use of Randall Collins to synthesize organisation and framing, and Graeber's description of strategies to build the new society within the shell of the old.²⁹⁴

For studies of areas where Sápmi and Norway overlap, the models are also applicable. Model number 2 corresponds with Anne-Jule Semb's “old school” research on how norms affect policy (and polity) in Sápmi.²⁹⁵ Her research was *contained by the already constituted paradigm* of Norwegian state science (*statsvitenskap*). Model number 1, by contrast, is in line with the “new school” contributions of Audun Sandberg and Gro Ween, who use SES and ANT to research Sámi customs and lore.²⁹⁶ They find new proofs that *contribute to the on-going re-constitution* of Norwegian legal history and jurisprudence, pioneered by the Sámi Rights Commission.

This specific adaptation of della Porta's two causal models is a contribution towards prefiguration of a positive alternative to Tilly, Tarrow and McAdam's suggested synthesis of social movement theory. In their *Dynamics of Contention*, the main conceptual dualism is between *insiders* and *outsiders* to *already constituted* political systems.²⁹⁷ This is fit to observe the actions of reformist movements that are contained by already constituted power. However, their dualism becomes dysfunctional when the purpose is to observe transformative movements that generate new constituent power. Then we need to address the process that maintains and creates the very boundary between those collective actors that were defined as insiders and outsiders. Furthermore, such a research interest requires caution and care. To search new proof about an uneven development of rights and proof is a way of getting involved in the very same uneven development of rights and proofs, which in turn has consequences for the uneven application of institutional violence. The *art* and *science* of constituent power implies some profound ethical and epistemological challenges. This will also actualize the relevance for SES, ANT, and Machiavelli.

²⁹³ Tilly 1980

²⁹⁴ Mattei 2011; Bailey & Mattei 2012; Mattoni 2011; Staggenborg 2002; Graeber 2009

²⁹⁵ Semb 2001; Semb 2003

²⁹⁶ Sandberg 2006; Sandberg 2008a; Sandberg 2008b; Ween 2010; Ween 2012a; Ween 2012b; Ween (in prep.)

²⁹⁷ Tilly, Tarrow and McAdam 2001

3.4.0 Chapter conclusion: the art and science of constituent power

This chapter has suggested a composite materialist approach, as a way to conceptualize the art and science of constituent power. *Firstly*, (3.1.1-3.1.3) the chapter described various approaches to constituent power: from published literature, I defined three approaches to the science of constituent power (institutionalism, constructivism, and so-called "realism"),²⁹⁸ while on the basis of practical activist experience, I suggested three approaches to the art of constituent power (prefigurative satyagraha, prefigurative enlighthenment, and prefigurative war-of-position. I suggested that each of the three academic approaches has been developed to shed light on one of the three practical approaches, while remaining somewhat ignorant of the other two. *Secondly*, (3.2.1-3.2.5) the chapter turned to participant observation from amongst the organic intellectuals with interest for state transformation within the contexts of Sámi research and social movement research, and on this basis I observed a cleavage between an "old school" of so-called "realists" and a "new school" of institutionalists and constructivists, which I identified with Elinor Ostrom's distinction between two rival theories: her own "new theory" on *cooperation from consent*, and a rival "old theory" on *cooperation from coercion*, inherited from Hobbes and Hardin.²⁹⁹ *Finally*, (3.3.1-3.3.3) the chapter suggested how a *composite materialist approach* might resolve the tensions observed in its previous parts. This harked back to Chapter 2, which concluded that observation of "terrains of hegemony and resistance"³⁰⁰ might allow us to replace methodological nationalism with geographical sensitivity,³⁰¹ and to reject dogmatic breakdown theory for praxiological constitutional and sociological theory.³⁰² In order to address the tensions observed previously in the present chapter, I suggested to specify "terrains of hegemony and resistance" in various ways: one the one hand in terms of landscape geography with SES and ANT, on the other hand in terms of geostrategical theatres with recent re-readings of Machiavelli. This builds further on earlier theoretical developments from social movement research, in order to give these a broader relevance. The praxiologies of SES, ANT and Machiavelli break with the attempted synthesis *Dynamics of Contention*,³⁰³ because does not limit itself to study "insiders" and "outsiders" of already constituted political order, but additionally, how such order is made, maintained and transformed, by the continuous impact of socio-material networks in various configurations. My suggested focus on socio-material networks, and the combination of diverse approaches, both fit with the conclusion in

²⁹⁸ Neumann & Waever 1997: 15

²⁹⁹ Ostrom, Walker & Gardner 1992

³⁰⁰ The concept is taken from Routledge 1993

³⁰¹ See e.g. Agnew & Oslender 2010; Chauprade 2003; Slater 1997; Routledge ibidem

³⁰² See e.g. Weiler 2001:194; Bailey & Mattei 2012; della Porta 2013; della Porta 2014

³⁰³ Tilly, Tarrow & McAdam 2001

the more recent work *Spaces of Contention*.³⁰⁴ However, the latter volume has been criticized for its lack of attention to the *positionality* of the researcher and how to tackle this, ethically and methodologically.³⁰⁵ Above, I presented a similar argument regarding the Dynamics of Contention, particularly when focus is turned from reformist movements contained within already constituted power, to transformative movements, that generate constituent power (in part 3.3.3). Such a research interest requires caution and care, firstly, because the research itself is a practical intervention along the path of prefigurative enlightenment,³⁰⁶ and secondly, because some movements (hegemonic or oppositional) may choose to tackle each other by pursuing the path of prefigurative war-of-position. Chapter 4 will turn to the profound ethical and epistemological challenges implied in the art and science of constituent power.

³⁰⁴ Nicholls, Miller & Beaumont 2013, in particular Miller 2013

³⁰⁵ Halvorsen 2013

³⁰⁶ *Localised practical realities*: For the *art* and *science* of state transformation, the *act of observing* provides knowledge, whereas knowledge also is part of the *object of observation*. On the one hand, the political and social scientists search for scientific knowledge about political life. On the other hand, all political agents navigate in political life by mobilizing various knowledge-resources. Political science and political practice inform each other and feed each other reciprocally. As a member of my jury, the *geographer* Paul Routledge has challenged me to elaborate on how transformative social movements make use of *spatial imaginaries*. This term, coined by Wolford (2004) refers to popular knowledge about the land, a sort of "etno-geography", among participants in the Brazilian Landless Workers' Movement (MST). The concept may be seen as a further development of phenomenological concept "senses-of-place", which, in response to the critique from Massey (1991, 1994), has been grounded in the more physical concept of "location", as well as the more socio-ecological concept of milieu or "locale" (Agnew 2011, Routledge 1993: 28). In my own earlier geographical research, I attempted to respond to Massey (1991) by adopting a "deleuzian" approach to senses-of-place (Jensen 2002). For the present research, however, I have altogether skipped the concept senses-of-place, and instead tried to observe popular knowledge about the land, and I now realize that Wolford (2004) has done much the same. I approach popular knowledge by applying the epistemologies that come with each of the three selected approaches: SES, ANT and Machiavelli. The first is probabilistic, nomothetic and neo-positivist, the second is possibilistic, ideographic and post-structuralist, whereas the latter subscribes to "the effective truth", a form of epistemological instrumentalism. These epistemologies guide my *act of observing* (see Chapter 4), but also how I define the *object of observation* (in particular Explanans 2, see Chapter 4). *Regarding the ANT approach*, this is well known for having been developed to study knowledge praxes (Latour & Woolgar 1979), and geographers apply it to observe the political function of academic and popular forms of geographical knowledge (e.g. Thrift 1999, Metzger 2014b). According to Law & Singleton (2012), the approach is useful as a critique of every ideology, in order to give voice to minor perceptions and standpoints. *Regarding the SES framework*, its theoreticians discuss how to include knowledge praxes into the framework (McGinnes 2011a), and also, how to explain the emergence of interdisciplinary cooperation (Potete, Jansen & Ostrom 2010). Spatial scientists have used SES to address localized "regimes of information" as an object of observation (Ekiba & Evans 2009) and how to apply "evaluating models" during the act of observing (Manson 2007). *Regarding recent re-readings of Machiavelli*, these acknowledge the neo-positivist principle that some propositions are more instrumentally applicable than others, but also the post-structuralist doctrine that different viewpoints are pragmatically valuable with different context or standpoints (Althusser 1998, 2003). *All three approaches*, in my opinion, can be seen as different ways to operationalize the *standpoint theories of localized knowledge*, which have been developed by the radical feminist critique of scientific institutions (Stengers 1999 (1997), Haraway 1991, Spivak 1988, Massey 1994). On the one hand, similarly to contemporary epistemologists (Popper 2002 (1963), Derrida 1993) they recognize that all *scientific knowledge* always remains provisional. On the other hand, similarly to agronomical action researchers (Chambers 2008), they acknowledge that *popular knowledge* may include empirical experience with the real environment. Consequently, in practice, there is no watertight distinction between scientific and popular forms of knowledge. The three selected approaches may help the standpoint theorist to venture into the rich diversity of localized practical realities, and to critically examine how the various localized practical realities may have been developed empirically in order to serve different vested interests.

4.0.0 RESEARCH PLAN, METHODS AND DATA

4.1.0 Chapter introduction

In the previous two chapters I have tried to map some contemporary tendencies in political science and practice. Chapter 2 dealt with the decolonisation of international human rights law, and the consequences for political science and practice in Sápmi. Chapter 3 dealt with the various pathways to constituent power, as those are *pursued* by transformative movements and *conceptualised* by political scientists. Chapters 2 and 3 may have been too much for a literature review, but they were something more. The argument (deductive moment) was interwoven with selected examples from participant observation, and from observant participation (inductive moment), and thus I suggested some hypotheses about the ongoing decolonisation of political science and practice (abductions). Chapters 2 and 3 are tactical ways of positioning this empirical intervention within the political field. They are participatory action research.

It is now time to translate this discursive-political positioning into concrete guidelines for *practical action*. Empirical research is not only discursive intervention, because it deals with practical experience, and therefore it is practical intervention as well. The present chapter will elaborate how I have proceeded to gain information from political fieldwork, to analyse and synthesize this, and produce an output that feeds back and serves political praxis. First, I will discuss premises for the research design, by addressing ethical, epistemological and conceptual challenges for the art and science of constituent power (4.2.0). Thereafter I will translate those premises into a concrete research design, with defined spatial boundaries, defined research tasks, and a defined causal model to be empirically specified (4.3.0). From there I will proceed to present the technique of data gathering, methods in the strict meaning of the word (4.4.0). The choice of method is the premise for the next issue: case selection and for selection of data (4.5.0). Finally, I will give the reader a tiny taste of the findings that I am going to serve at the end of the thesis (4.6.0 - 4.7.0).

4.2.0 Premises for research design

4.2.1 Revisiting the three pathways to constituent power

*L'existence précède l'essence.*³⁰⁷

– J.P. Sartre

In the introduction to this chapter, I drew a conceptual distinction between three pathways of constituent and constituted power. Let me recapitulate.

One pathway I called *prefigurative satyagraha*. The label refers to the power of customary praxes, the matter of interest for political institutionalism. This one I argued is the most widely pursued path to constituent power among transformative social movements, and for this reason it is also the *conceptually* most challenging one.

Another pathway I called *prefigurative enlightenment*. This label refers to the power of knowledge praxes, the phenomena observed by political constructivists. This path is also rather widely pursued, especially among indigenous human rights movements. Because it deals with knowledge it also poses *methodological* challenges for political research.

The third pathway was called *prefigurative war-of-position*. This refers to the power of coercive force, an issue of interest for so-called “realist” political scientists. This is the least widely pursued path for transformative movements. However, also when indigenous human rights movements do not answer violence with violence, they nevertheless need to be aware of the violence that they do not respond to. In situations where one person's law enforcement might be another person's colonial resource grabbing, the political scientist is confronted with the choice of framing as an *ethical* dilemma.

Time is ripe to address the *conceptual*, *methodological* and *ethical* challenges that those practices pose for the political researcher. By tackling each of those issues, I make a series of choices for the research design. I take full responsibility for the possible (mis)use of my research practice, and hence, those choices are also existential choices. Therefore I will start with the ethical choices, and articulate the practical consequences for research design. Thereafter I will proceed to *methodological* challenges, and in the end to *conceptual* challenges, and for both I will articulate the practical consequences for research design.

³⁰⁷ Sartre 1996 (1946): 26

4.2.2 Ethical issues: the pathway of coercive force

Ethical issues, in my opinion, have priority before *methodological* and *conceptual* ones. In the introduction to the present chapter I drew a distinction between three paths to constituent power, that all might be pursued by transformative social movements. I argued that prefigurative satyagraha is the most widely pursued path, with prefigurative enlightenment being the second most important. For the political researcher, those paths pose *conceptual* and *epistemological* challenges, respectively. However, there is a third and much less widely followed path that poses the main *ethical* challenge for the political researcher: prefigurative war-of-position. I am responsible for what *normative framing* I choose when I write about the *use of coercive force*, regardless of whether it is being used to defend and police a social order, or to transform it. Indigenous human rights movements may or may not answer violence with violence. Still, they do have to tackle states that do apply coercive force. This is not the same as one person's terrorist being another person's freedom fighter. Instead it is something equally difficult: It is one person's law enforcement being another person's colonial resource grabbing. How can I as a political researcher choose my words wisely in such situations?

While the variable of coercive power is studied only by few researches within the mainstream of North-Atlantic social movement research,³⁰⁸ this issue is not being ignored by a competing group of social movement researchers: the so-called de-radicalization researchers.³⁰⁹ In order to develop a strong scientific alternative to their explanations, it is not sufficient to demonstrate that the sociology of social (re)production renders “breakdown theory” nothing more than a political myth (see 2.4.0). It is necessary to demonstrate that constituent power may be not only *undramatic*, but that it also may be *non-violent*. Recent political anthropology has observed both possibilities.³¹⁰ Additionally, it is necessary not only to demonstrate that jurisdictional pluralism is not the same as competition to monopolise violence (see 2.3.0), but additionally, it is also necessary to demonstrate that in some situations, one person's law enforcement may be another person's colonial occupation.

This means that one should have no double standard regarding the application of coercive force: violence is violence, even though the researcher may happen to feel that it is ethically justified. As *empirical* phenomena, *violence* and *justification* should therefore be kept *analytically* separate: One should be defined as coercive power. The other should be defined as customary praxes and/or knowledge praxes. Each of those labels refer to different possible paths whereby constituent and constituted power are exercised (see 2.4.1, 3.4.1). The analytical separation between violence and justification is something I learned from two Western critiques of the Vietnam War,

³⁰⁸ One of the exceptions is della Porta 2013

³⁰⁹ Bjørge & Horgan 2008 (thanks to Tronsmo book shop, Oslo, for this reference); Sedgwick 2010 (thanks to Stephan Malthaner for the latter reference)

³¹⁰ Nustad & Krohn-Hansen 2005

one conservative, another radical. From one side, Hans Morgenthau accused the liberals of being so fanatic that they engaged militarily even when it was strategically counter-productive.³¹¹ From the opposite side, Noam Chomsky accused liberal scholars of being technocrats or “mandarins” who fabricated justifications for wars, instead of seeking objective knowledge about the resulting neocolonial cruelties.³¹²

Following Morgenthau and Chomsky, I think it is *strategically* and *ethically* virtuous to try and *isolate the explanatory variable* called coercive force, and observe it separately from the two explanatory variables called customary praxes and knowledge praxes. The purpose of such a quasi-experimental design is *not* to highlight the *theoretical* distinction between realist versus constructivist and institutionalist forms of reductionism. Instead, the *purpose is* to apply the *ethical distinction* between coercive domination and non-violent empowerment.

What I cannot use, then, is the so-called “neo-neo-synthesis” between neorealist and neoliberal approaches to political research.³¹³ Confusion of realism and liberalism is exactly the kind of argument that Morgenthau and Chomsky saw as an unrealistic justification of war. This also applies to contemporary research on human rights research by the Norwegian state scientist Anne-Jule Semb: On the one hand, she argues that the NATO intervention in Kosovo was a *special* and *moral* form of violence.³¹⁴ On the other hand, in her study of indigenous self-determination in Sápmi, she explicitly chose to look away from the new proof in legal history – which is the reason why the ICESCR implies Sámi self-determination – and instead she just *assumed* that *de jure* individual rights and state sovereignty would automatically corresponded with *de facto* equal opportunities and jurisdictional monopoly on the ground.³¹⁵ This is no clear-cut state-centred realism. It is a smear of Hegelian idealism and Hobbesian cynicism. If we are serious in the ambition to utilise *cynical realpolitik* as a means to *control for the bias of wishful thinking*, then we are better doing it thoroughly.

If landscape geography *did not* matter to explain state transformation in the high North, while strategic geopolitics *still did*, then socio-ecological functionalism would be superfluous, and instead we would only need the stochastic mechanics of blind, unpredictable, nonlinear physics: the ruthless geomorphology of physical forces known and unknown; the ruthless and unpredictable competition that Clausewitz called “the fog of war”.

Such are the postmodern readings of Machiavelli. After the neo-positivist and post-structuralist critiques of “grand theory”, the mature Althusser left Marxist-Leninist doctrine behind.

³¹¹ Morgenthau 1970

³¹² Chomsky 1969; see also Gordon 2007: 78-108 for an argument against euphemisms

³¹³ Weaver & Neumann 1997: 17-22

³¹⁴ Semb 2000

³¹⁵ Semb 2005

What he kept from his former Leninist stance was the affinity to Clausewitz. What he kept from his former Marxist stance was an interest in re-reading Machiavelli. Gramsci had written a strategy for how, through a social war-of-position, the political party might constitute a “modern Prince”.³¹⁶ But after the collapse of ideological certainty, it turns out that the actually unified class, party and state are nowhere to be found empirically. The “postmodern Prince” is a heterogeneous, poly-centric meshwork. Policy nets do include the police and the military. Issue nets might include insurgent violence. When actual experience is so heterogeneous and poly-centric that it is no longer possible to ignore heterogeneity and poly-centricity, then it also becomes hard to assume that there are any unifying principles that keep the class, the party or the state together.³¹⁷ By re-reading Machiavelli, the mature Althusser coined a materialism of uncertain, blind, causality: *aleatory materialism*.³¹⁸

Epistemologically, aleatory materialism leaves behind the assumed dialectical opposition between capitalist and proletarian forms of knowledge, and instead it embraces *instrumental practicality* as the only arbiter of truth. In other words, aleatory materialism assumes that knowledge praxes and customary praxes can be reduced to ice-cold instrumentalism.

Meta-theoretically, aleatory materialism leaves behind the assumption of dialectical opposition between static order and sudden breaks, or between a closed hegemonic system and an equally closed counter-hegemonic system. Instead it embraces a form of *network theory*: constituent power is seen as a material web of causation, which may be traced etiologically, as complex, aleatory and hardly predictable flows of information and matter-energy.³¹⁹ This has influenced new strategies of warfare: There has been mutual exchanges of ideas between the coercive constituent power of EZLN, with their “social netwar”, and the coercive constituted power of NATO, with its “network-centred warfare”.³²⁰ Saudi princes ally with al-Quaida as well as the US army. There is no dialectical opposition between those enemies. In global network warfare, enemies are entangled.

In summary, aleatory materialism is a *state-centred realism* for the late modern age, the era *after the fall of virtual sovereignty and virtual certainty*. Network theory is the meta-theoretical alternative to virtual sovereignty. Ice-cold instrumentalism is an epistemological alternative to virtual certainty. The early modern, not-yet-sovereign Prince of Machiavelli meets the late modern, no-longer-sovereign network centred warfare. The virtual sovereignty and virtual certainty of Hobbes and Bodin has risen and fallen. However, military doctrine is still state-centred, in the sense that coercive capacity is seen as the ultimate means to police laws, and the primary force of constituent power. The postmodern Machiavelli is useful to trace the cause and effect of violence in

³¹⁶ Gramsci 2012 (1932-4)

³¹⁷ Derrida 1967

³¹⁸ Althusser 1998; Althusser 2003

³¹⁹ This aleatory materialism was pirate-copied and re-named “rhizomatics” by Deleuze and Guattari 1980

³²⁰ Weizmann 2007; RAND 1998; Subcomandante Marcos 1997

contemporary times. This is a specific use-value, but also a limitation. In practice, transformative social movements need to identify whatever pathways of constituent and constituted power that cannot be reduced to coercive physical force.

This clear-cut form of state-centred realism is what I use as a *competing explanation*, in order to *isolate the variable of coercive force*, and keep it under *control*. I reject reductionist (mis)use of so-called realism, because it is too state-centred. I feel rather confident that even though cynical realpolitik and military geo-strategy *do matter* to explain state transformation in the high North, we *also* have to take into account the impact of collective action and socio-ecological complexity. We need to consider both factors: what Ostrom called the “new theory” and the “old theory”.

Following the advice from Morgenthau and Chomsky, I think it is worthwhile keeping those explanatory frameworks separate, in order to *isolate* the explanatory force of coercive force, to keep it under *control*. This reason for this choice is neither methodological nor conceptual, but ethical.

On one hand, *political cynicism* is done better by the former Leninist Althusser, than by a liberal. On the other hand, *liberal norms* are approached in more refined ways through SES and ANT than through so-called realism. Thus I reject the “neo-neo-smear” of realism and liberalism, and instead I erect a conceptual wall of separation between a clear-cut state-centred realism on the one side, and a synthesis of institutionalism and constructivism on the other. All the empirical parts of this thesis take the institutionalist-constructivist approach to observing the struggle for rights and proofs in Sápmi. In the final theoretical discussion, however, I discuss my own empirical findings in contrast to what one might find by applying clear-cut state-centred realism. Thus I hope to identify some of the possibilities that might exist for furthering cooperation and overcoming domination, but also, for “controlling for” the possible bias of wishful thinking.

4.2.3 Methodological issues: the pathway of knowledge praxes

Methodological issues, next after the ethical ones, are also rather challenging for the art and science of constituent power. When there is a struggle to define the truth, there is not only a struggle to control the means of strategical communication. There is also a struggle to define the research agenda, in order to gain reliable knowledge about practical and technical issues that serves one's own invested interests. This is how the science of constituent power not only observes, but also serves, the art of constituent power.

This is all the more relevant when we deal with environmental justice movements in general, and indigenous human rights movements in particular. They seek to prove claimed rights with evidence from the political and social sciences, and they seek to investigate environmental impact

by mobilizing the physical and bio-chemical sciences. When observing with such conflict, the political scientist (or the natural scientist for that matter) is bound to serve the practical interests of one party or another. The act of observing influences the object of observation. As a scientist I am responsible for whose research question I choose to investigate, whose information I choose to use, and ultimately, whose political or technical interest I wish to serve.

Prefigurative enlightenment is the label I have chosen to describe the constituent power of empirical knowledge, the intersection between the *art* and *science* of constituent power. An iconic figure of enlightenment is Immanuel Kant, who presented *critical inquiry* as a means of *emancipation* from possibly false conventional dogmas. In recent years, the enlightenment tradition has been an intellectual sub-stream below the philosophically shallow science wars. On the one hand, Karl Popper and other neo-positivists have developed *critical rationalism*.³²¹ On the other hand, Jaques Derrida and other post-structuralists have articulated *critique of rationality*.³²² In spite of all differences, their common denominator is critical inquiry.³²³ But unlike earlier approaches to the critique of ideology, neo-positivism and post-structuralism are skeptical of “grand theories” made to explain everything.

On the one hand, post-structuralists went beyond the old-school structural determinism of Marxist-Leninism. Marxists questioned some dogmas by taking other dogmas for granted.³²⁴ Theirs was an *ideological critique of ideology*. The post-structuralists turned the critique of ideology against the Marxist ideology itself.³²⁵ They went beyond Marxism by turning it against itself.³²⁶

On the other hand, neo-positivists turned against the old-school inductivism of structure-functionalism. In the anglophone world, “empiricism” conventionally refers to *inductive* observation and *commonsensical* analytical terms: the *positively given*. However, neo-positivists sought ways to distinguish conventional assumptions (*doxa*) from reliable knowledge (*episteme*).³²⁷

In summary, both neo-positivists and post-structuralists emerged through critical inquiry of two different forms of “grand theory”: structure-functionalism and Marxist-Leninism. Both were political ideologies of the cold war.³²⁸ Popper criticized both of them (not only Marxism), because he opposed all forms of “historicism”, that is, grand assumptions about the direction of macro-

³²¹ Popper 1945; Popper 2002 (1963)

³²² Derrida 1967; Longino 1989

³²³ Jensen 2000

³²⁴ For examples of ideologically based critique of ideology, see Mao Tse-tung 1968 (1937). For a less striking example, see also Marx & Engels 1969 (1932 (1845)).

³²⁵ Roland Barthes (1951) started out with Marxian critique of ideology. However, he turned the critical tools against Marxian doctrine itself (Barthes 1971, Barthes 1994). Thus, he dissolved the ideological basis for his earlier critique of ideology, and ended up embracing aesthetic practice instead (Barthes 1973). Such quietism would probably be seen by Harvey (1989) as silent consent in support of corporate capitalist ideology. However, from the view point of the mature Barthes, it is hard to keep any strong belief in Harvey's Marxian alternative.

³²⁶ Derrida 1993

³²⁷ Popper, K. 2002 (1963): “Introduction”, § IX, and “Chapter 1”, § IV; in Danish translation: Popper 1973: 20, 52

³²⁸ Hulme & Turner 1999: pp. 34-43 (on structure-functional ideology) and pp. 43-53 (on marxist-leninist ideology)

historical change.³²⁹ For historicism, progress is inevitable, and has epistemological implications.³³⁰ Some saw the ideology of the “proletarian” state-party as more progressive; others saw the ideology of the “democratic” capitalist state as being the end of history. They were messianic ideologies of enlightenment.³³¹ But the critical rationalists and the critiques of rationality, such as Popper and Derrida, are all anti-metaphysical: they free the enlightenment project from messianic beliefs. (Or more precisely, they inspire more self-critical messianism, as with Walter Benjamin.) There is no inevitable progress that can possibly guarantee any epistemic superiority. There is no commonsensical inductivism capable to free itself of prejudice. There is no ideological viewpoint from where one can safely dissolve hegemonic ideology. This loss should not be lamented. However, if the apparent death of ideology becomes a pretext to murder the critique of ideology, then one would indeed reify the apparent death of ideology as an ideology in its own terms. For reformist social movements that are contained by the already constituted order, the critique of ideology might perhaps seem to be unnecessary. However, for transformative social movements that generate constituent praxes, one of the pathways pursued is prefigurative enlightenment. Then the critique of ideology is of essential strategical importance. The theme for my research is decolonization of political science and practice, and this theme indeed is about the critique of ideology.

Critical inquiry is a necessary choice for the political researcher who does not wish to suppress and silence transformative social movements, but rather to serve their scramble for prefigurative enlightenment. What research strategy should then be chosen? Earlier I have sketched how the post-structuralists challenged the *deductivism* of the ideological critique of ideology. Likewise, I have sketched how the neo-positivists challenged the *inductivism* of anglophone “empiricism”. I am skeptical about either of those extremes.

1. If a purely *inductivist* research strategy is chosen, then we run the risk of ignoring or reifying commonsensical prejudices (*doxa*).

³²⁹ The analysis of “historicism” in fact “does not confine itself to that economic variant of historicism which characterizes Marxism, for it aims at criticising the historicist doctrine in general.” (Popper 2002 (1967): 452; translation to Danish: Popper 1973: 80). There is also a conceptual distinction between “*historicism*” as an ideology, and the more general “*historism*” as a method. (Popper 1945: 202; translation to Danish: Popper 1973: 108).

³³⁰ Bauman 1991, p. 142: “What is untenable is the concept of our – European – history as the rise of humanity over the animal in man, as the triumph of rational organization over the cruelty of life that is nasty, brutish, and short. What is also untenable is the concept of modern society as an unambiguously moralizing force, of its institutions as civilizing powers, of its coercive controls as a dam defending brittle humanity against the torrents of animal passions.”

³³¹ Bauman 1991, p. 148: “God was dethroned, but the throne was still in place. The emptiness of that throne was throughout the modern era a standing, and tempting, invitation to visionaries and adventurers. The dream of an all-embracing order and harmony remained [...] The classless society, the race-pure society, the Great Society were now the tasks of Man. [...] The clarity of the world and human vocation, once guaranteed by God and now lost, had to be fast restored, this time by human acumen and on human responsibility (or is it irresponsibility?) alone.”

2. If a purely *deductivist* research strategy is chosen, then we run the risk of reifying some dogmatic doctrine.

If mainstream social movement research is to become relevant for transformative social movements that generate constituent power (and not only for the reformist movements that are contained by already constituted power), then it is necessary to bring the critique of ideology back in to the research practice. It has been suggested that the apparent end of ideologies in reality is a monopolization of corporate-capitalist ideology (*doxa*).³³² This poses a challenge to commonsensical inductivism. Some have suggested that the alternative should be to adopt a more explicitly ideological counter-hegemonic research program.³³³ But such a deductive strategy may merely replace an implicit ideology with an explicit ideology.

During this research, I have chosen the middle ground between induction and deduction: Trough travelling through various environments, my trajectory has brought me in contact with various bits of data, from various data sources, but at the same time, it has also brought me in contact with various theoretical resources, and those are being mobilized by *organic intellectuals* in the various locations. I have tried to cultivate awareness of how *theoretical concepts* and *empirical experience* are *related*, by following three rules:

§ 1 Be aware of the selection of items of data (inductive moment).

§ 2 Be aware of the selection of coding categories (deductive moment).

§ 3 Be aware of how the various theories are being used in various empirical situations.

By seeking theories that are at home in particular practical realities, I pursued a form of participant action research (PAR) or participatory learning and action (PLA). I am a reflexive practitioner, or a political and social scientist doing fieldwork among reflexive practitioners of fjord fishing, tourist business, human rights law, and fishery biology. As a researcher I have had my own trajectory of learning and action. Each of the informants has also had their own trajectory of learning and action. The informants taught the ethnographers about human rights, salmon biology, fishing techniques, and various other forms of skills, lore, art and science.

Of the three rules above, § 3 is typical for participatory research such as PAR and PLA,³³⁴ and for reflexive research such as ANT, feminist research, and Bourdieu's sociology.³³⁵ PLA originated in agronomy, which combines hard science and anthropology. In my view § 3 is equally

³³² Harvey 1989

³³³ Burawoy 1998; Hetland & Goodwin 2013

³³⁴ For introductions to participatory methods, see: Chambers 1983; Chambers 1997; Chambers 2008; Reason & Bradbury 2006. For critical discussion about participatory methods as domination and empowerment, see: Gaventa & Cornwall 2006; Cooke & Kothari 2001; Hickey & Mohan 2004.

³³⁵ Madden 2010: 20-3; Law & Singleton 2012, which responds to response to Haraway 1996

at home with neo-positivist and post-structural epistemology. It depends on what one chooses to observe and to look away from. It does not depend on how one chooses to observe. Since the term “reflexive” may trigger reflexes of prejudice, I will call this the *participatory strategy*.

The two first rules above, § 1 and 2, imply that I combined inductive moments with deductive moments. There are several ways to combine both. One way is the hypothetical-deductive method for *hypothesis-testing*. Another way is *hypothesis-development* through iterations between specific observations and suggestion of concepts. Charles Pierce, a methodologist of the abductive method wrote: “Hypothesis is where we find some very curious circumstance, which would be explained by the supposition that it was a case of a certain general rule, and thereupon adopt that supposition.”³³⁶ This process involves an *inductive moment* (curious circumstance) and a *deductive moment* (would be explained by the supposition), which together lead to *hypothesis-development* (adopt that supposition). This combination of induction and deduction is the *abductive strategy*.

Both those research strategies, the participatory and the abductive, are ways to pursue critical inquiry. Both can be seen as techniques to overcome some of the prejudice that may hamper scientific research. The relation between prejudice (*doxa*) and knowledge (*episteme*) is often discussed within the tradition of critical inquiry. Bourdieu put focus on the social consequences of *doxa*, how it may function as ideologically biased prejudice, or “symbolic violence”.³³⁷ Popper put focus on how hypotheses, originating from *doxa*, might be subject to strict testing, and thus become *episteme*.³³⁸ Hypotheses may or may not be tested in stringent ways, which is a discussion about reliability. However, according to Popper, our ability to imagine relevant hypotheses is limited by *doxa* to begin with. This is an issue of conceptual validity. When scientists have developed a general theory or a technical solution in one environment, this does not automatically translate well to another environment. Participatory Learning and Action (PLA) developed when agronomical consultants tried to adapt to particular local ecological and sociological conditions, including the local bio-cultural knowledge of local people. It was an attempt to overcome ideological bias in agronomy. Similarly, the abductive research strategy is an attempt to *expand* our capability to *imagine the possible*, and thus, to help us *identify unknown opportunities* for empowerment.

My choice of research strategies is part of a tradition or a specific way of doing things: critical inquiry as a pathway to prefigurative enlightenment. The choice is methodological, but it is not dependent on any specific stance regarding the philosophy of knowledge, epistemology. In any case, epistemology is an open-ended debate, a research front in its own rights. Different epistemological orientations are also included in the three approaches to political science that have

³³⁶ Pierce 1986: 326; cited in Mindré 2009

³³⁷ Bourdieu 1977; Bourdieu and Passeron 1970

³³⁸ Popper, K. 2002 (1963): “Introduction”, § IX, and “Chapter 1”, § IV; in Danish translation: Popper 1973: 20, 52

been discussed: the SES framework, the ANT approach and the postmodern Machiavelli. In my own research project, I combine all the three approaches, including all their different epistemological orientations. Difference in doctrine, however, does not matter. What does matter is that I have chosen to pursue critical inquiry, and therefore I have adopted two research strategies: the participatory and the abductive.

Chapter 1 defined the theme and the puzzle of the present research project. The theme was defined as internal decolonization of political science and practice. This is critique of ideology. I have adapted two research strategies: the participatory and the abductive. Those are forms of critical inquiry, used in an attempt to overcome (some of) the ideological biases that hampers political research. I suggest that this might be an appropriate way for social movement research to re-introduce the critique of ideology, and thus to avoid re-producing the silencing and suppression of transformative social movements. The purpose is to contribute to prefigurative enlightenment as a pathway to constituent power.

In fact, the abductive approach has been used in this thesis already to define the research project. Chapter 2 combined historical and ethnographical glimpses (inductive) with discussion of literature (deductive), and thus it suggested some abductions regarding the consequences of postcolonial human rights law. Chapter 3, the present one, combined activist experience and a summary of my travels at field work (inductive) with discussion of literature (deductive). My present argument in favour of abduction is in itself one of the abductions in the present chapter. The empirical chapters in this thesis will present several abductions, suggesting explanatory mechanisms regarding state transformation in the high north.

4.2.4 Conceptual issues: the pathway of customary praxes

Conceptual issues should also be addressed, now that the ethical and methodological issues have been tackled. How can we conceptualise state transformation? A state is a large thing: a macro-historical entity. Therefore, it involves myriads of causal chains, from within or outside its territory, and from within or outside the state apparatus. It is impossible to trace all the paths through such a wide and complex web of causation. We may select some causal paths for process tracing, or we may select some categories of causal paths (explanans) for causal analysis, but in either case, we cannot select everything. Consequently, research on state transformation remains *model dependent*.

If only the “old theory” applied, then it might have been possible to adapt a relatively simple causal model regarding constituted geo-strategical theatres and constituent Machiavellian strategies. Then we could have used military history for a historical-sociological analysis, tracing a

chain of clearly defined events. Tilly did this in his old school research on the “sinews of war”.³³⁹

But also “new theory” does apply, and therefore we also have to take into account the complexity of constituted order in landscape ecology, as well as the multiple pathways of constituent collective action. I have argued that for contemporary transformative movements, at least within the North-Atlantic region, the most widely pursued pathway to constituent power goes through cultural change, development of alternative socio-technical systems, and development of new customary praxes: what I have called prefigurative satyagraha. Let us first have a look at what the neo-institutionalist SES framework may have to tell us about the pathway of prefigurative satyagraha. Thereafter we will briefly have a look at the pathways of prefigurative enlightenment and prefigurative war-of-position. The two latter paths I see as being of special ethical and methodological importance, and that was discussed above. But for conceptualisation we should put the main emphasis on the most widely pursued path: prefigurative satyagraha. Within the SES framework, institutional change, including constitutional change, has been conceptualized as a combination of organization learning at multiple levels, plus ecological change.

*[L]earning can occur in multiple time scales. [...] At the organizational level, new understandings can be incorporated within the set of decision procedures being implemented by members of that organization. Societies can also be said to learn, in the sense that traditions change over time, through a complex process of adaptation to new circumstances. In addition, information can be lost over time [...] Ecologists and others who study systems that exhibit complex dynamics are particularly sensitive to the concurrent operation of dynamic processes operating at different time scales.*³⁴⁰

When I introduced the praxiology of social (re)production (in Chapter 2), then I argued that this development in sociological theory based on empirical progress in social anthropology and social history. That includes quantitative history about long-term conjunctures.³⁴¹ Praxiology may describe organizational learning, but not ecological change. The SES framework adds further complexity because it deals with causal interactions between social (re)production and ecological homeostasis. Ostrom conceptualises institutional change as socio-ecological change that is the *product* of different aggregate effects, both sociological *and* ecological.³⁴² On the one hand “[t]he characteristics of the resource users and the government system evolve over time owing to technological development, deriving new knowledge, and changing norms and knowledge.” On the other hand “[e]cological systems evolve and adapt continuously at different temporal and spatial scales [...]”, and therefore, [i]f effective and durable institutional arrangements are to be crafted,

³³⁹ Tilly 1980

³⁴⁰ McGinnis & Ostrom 2012: 19

³⁴¹ Burke 1992 (1990): 81-90, 105-110, 149-153

³⁴² McGinnis & Ostrom 2012: 19; Potete, Janssen & Ostrom 2010: 244

these temporal and spatial dynamics need to be taken into account.”³⁴³ Ostrom &co here refer to *aggregate* changes in the ecological and sociological environment. The actual interaction between ecological and sociological conditions adds complexity to the causal model. If we put the impact of ecological change in brackets, and stick to a “sociologistic” explanatory model, then we will ignore some actual causal factors, but we will not gain much precision. Even when social (re)production is seen in isolation from its ecological context, it still is too complex to be traced in its entirety. Let us have a look at what Bourdieu and James Scott have to say about the sociological factor, seen in isolation from the ecological factor. In *Outline of a Theory of Praxis*, Bourdieu argues that *collective action* (for example revolutions) should be explained as the sum of two factors: “on the one hand, a *habitus*, understood as a system of lasting, transposable dispositions”, and “on the other hand, an *objective event*, which exerts its action of conditional stimulation calling for or demanding determinate response”. Those two factors, the *dispositions* and the *situations*, cannot be totally coordinated, “since they are the product of ‘causal series’ characterized by different structural durations”. Still, “the dispositions and the situations which combine synchronically to constitute a determinate conjuncture are never wholly independent, since they are engendered by the objective structures”³⁴⁴ Bourdieu's interest in *dispositions* for collective action (*habitus*) may look like Gramsci's didactic concern for cultivation of counter-hegemonic culture. However, the disposition for collective action may also emerge from within *the subaltern classes* themselves. In his early work James Scott noted that “peasant rebellions, let alone peasant «revolutions» are few and far between”, and therefore “it seems far more important to understand what we might call *everyday* forms of peasant resistance – the prosaic but constant struggle between the peasantry and those who seek to extract labor, food, taxes, rents, and interest from them.”³⁴⁵ Therefore, only in particular occasions *resistance* “has become active, even violent. More often, however, it takes the form of passive noncompliance, subtle sabotage, evasion, and deception.”³⁴⁶ Scott and Bourdieu here show attention to the structure of everyday life, the object of study for social history and social anthropology, which may be invisible if one traces the history of dramatic events. The everyday forms of peasant resistance may very well be studied through ethnography, as Bourdieu did in Kabylia and Scott in Zomia. However, the *aggregate effect* cannot be observed ethnographically.³⁴⁷ That actualises the need for *quantitative social history*. Even without the ecological factor, the sociological factor still is so complex that we cannot possibly trace every chain of particular events, and therefore it would be necessary to estimate aggregate conjunctures

³⁴³ Potete, Janssen & Ostrom 2010: 244. See also McGinnis & Ostrom 2012: 19 for a slightly more updated version.

³⁴⁴ Bourdieu 1977: 82-3

³⁴⁵ Scott 1985:2 9

³⁴⁶ Scott 1985: 31

³⁴⁷ Bayat 2010: 21

with quantitative indicators. Therefore I would not gain much precision by keeping focus on the sociological factor, but I would lose realism by keeping the ecological factor out. Studies of ecologic change and social history both use quantitative methods. Both forms of causal analysis meet in political geography, where aggregate data about nature and culture are used to map unique configurations in space and time.³⁴⁸ The necessary quantitative methods exist, and are to be found in geography, ecology and history. However, it is not clear which indicators one should have chosen. This is simply because the issue of change remains conceptually underdeveloped within the SES framework. In 2010, Ostrom &co concluded that “[s]tudying the dynamics of SESs is a major priority for future work”,³⁴⁹ and the same was repeated in 2012, with the latest “official release” of the SES framework.³⁵⁰ In the ongoing development of the SES framework, the dynamics of constituent and constituted power is an unfinished topic. It is at the research front. There is a need to develop hypotheses about possible causal mechanisms. That would facilitate the hypothesis-development regarding aggregate dynamics, and ultimately testing of the hypotheses as well. Some hypothetical causal pathways (abductions) were suggested by Michael McGinnis in a series of proposed amendments to the SES framework.³⁵¹ In order to identify some possible causal pathways he turns the focus to a more particular level of analysis: the particular “action situation”. This term refers to socio-material settings where individual rational actors interact and make choices about common pool problems. Each individual makes choices through interaction with the other participants (micro), and the whole action situation is constrained by a series of environmental factors, both sociological and ecological (macro). However, the collective choices in the particular action situation (micro) also feed back on the general environment (macro).³⁵² This is a theory of bounded rationality, but it describes the same processes as della Porta and Bourdieu do with their praxiological theories. In either case we deal with the mutual causal influence between constituted order (macro) and constituent praxes (micro). What McGinnis does is to turn the attention towards how decisions in one particular action situation might have consequences for collective choice in another action situation. By tracing a series of influences across a series of action situations, McGinnis suggests that we might trace a “*network of adjacent action situations*”.³⁵³ This suggested concept was not included in the latest official release of the SES framework, since the concept remains empirically and theoretically underdeveloped. Consequently, there is a need for close ideographic observation of particular praxes (inductive moment), combined with theoretical discussion (deductive moment), in order to further develop a hypothesis about possible, particular

³⁴⁸ Holt-Jensen 2007: 31, 78-9, 88-9

³⁴⁹ Potete, Janssen and Ostrom 2010:244

³⁵⁰ McGinnis & Ostrom 2012:18-20

³⁵¹ McGinnis 2010; McGinnis 2011a

³⁵² Ostrom 2005: 13-15

³⁵³ McGinnis 2011a

causal pathways (abduction). Further development of the suggested concept of “*network of adjacent action situations*” would be one relevant way of contributing to the further development of SES as a theory of “rule evolution”.³⁵⁴ That is: a theory about constituent and constituted power. We can expect to find both *formal rules* and *informal rules* that are being *maintained and developed* through the *actual use of natural resources*. This is not only something we can expect on the basis of the reports from the Sámi Rights Commission. It is also something we can expect on the basis of proof that the SES scholars have gathered from many ethnographic and laboratory-based studies. Firstly, states use *formal rules*, and there are specific rules that regulate the changes of other rules, from the operational level, to the constitutional level.³⁵⁵ Secondly, many local communities have their own *informal rules*, in particular indigenous peoples and small-scale fisheries. Here there is not procedural hierarchy. Operational situations are regulated by customs, and the revision of customs happens through deliberation in many situations throughout the local community, not by any formal procedures.³⁵⁶ Thirdly, there is no strict division between the formal and the informal: state bureaucracy might have informal cliques and rules; indigenous communities may get some customs codified in state law.³⁵⁷ These are the conceptual developments that McGinnis sought to develop further with his suggested concept “*network of adjacent action situations*”. This is fitted to trace the evolution of norms within poly-centric policy networks, and those networks might be entangled with traditional kinship networks, as well as transformative issue networks. This is compatible with recent developments in empirically based social movement theory. Della Porta and Staggenborg have both turned attention to the generative potential of networked social action at the “meso” level.³⁵⁸ In the empirical chapters of this thesis, I have mobilized the conceptual resources developed by McGinnis and della Porta (deductive moment), and on the basis of empirical findings (inductive moment) I suggest some further amendments, in the form of hypothetical explanatory mechanisms (abductions).

Holistic explanations? In spite of its rich scope, the SES framework may nevertheless miss some of the casual variables that are relevant to explain state transformation. It is a most refined institutionalist approach, but it remains a specifically institutionalist approach. It is specialized on the same type of processes as those I have categorized as prefigurative satyagraha. However, it does not factor in prefigurative war-of-position, or prefigurative enlightenment. The three selected approaches address different partial truths (different explanatory factors), and they do this by enabling uncertain observations (they are probabilistic or possibilistic, but not deterministic). Even

³⁵⁴ Potete, Jansen & Ostrom 2010: 192

³⁵⁵ Ostrom 2005: 58-64

³⁵⁶ Ostrom 2005: 63

³⁵⁷ Guha-Khasnobis, Kahbur and Ostrom 2006, see in particular the contribution from Keith Hart (2006)

³⁵⁸ Della Porta & Piazza 2008; Staggenborg 2002

though we include them together, as a composite approach, this does not imply that we have gained any holistic overview of the process of state transformation. The neo-positivist and post-structural critiques have discredited “grand theories”.³⁵⁹ In particular, the critiques have been ruthless against what Popper called “historicism”:³⁶⁰ grand assumptions about the inevitable and universally valid patterns of development for all humankind. Such grand assumptions were found in Marxist-Leninism as well as Structure-Functionalism.³⁶¹ Both were historicist grand theories. Both were used to justify the involvement of Cold War superpowers in the postcolonial world.³⁶² Those two competing holistic explanations were integral parts of the ideological apparatus of two grand geopolitical powers: they justified suppression of dissent at home, and funding of violent insurgencies abroad. This was discussed in Chapter 2. The fall of “grand theories” is a paradigm shift, but as with all outbursts of constituent power, there is continuity as well as break in the historical process. Two interesting liminal figures are Rokkan and Gramsci, not because of their location in time, but because they were *heretics within* the Functionalist and Marxist grand theories.³⁶³

Partial explanations? Practitioners of the SES framework are explicit about its limitations. McGinnis has already attempted to combine the framework with state-centred realism,³⁶⁴ and has also suggested that it might be fruitful to look further into knowledge praxes as well.³⁶⁵

1. The most important explanatory factor is: *customary praxes* (in the context of natural resources), what I have called *prefigurative satyagraha*. This is the specialty of SES.
2. Another relevant explanatory factor is: *knowledge praxes* (in the context of natural phenomena), what I have called *prefigurative enlightenment*. This is a focus of ANT.
3. A third relevant explanatory factor is: *coercive force* (in the context of physical location). I called it *prefigurative war-of-position*. This is the focus of the postmodern Machiavelli.

Consequently, it is my opinion that SES, ANT and the postmodern Machiavelli are three approaches that offer three different reductionist explanations. SES, as a form of political institutionalism, may over emphasise the political-economic dimension, especially customary praxes. It is relevant for

³⁵⁹ Popper 1945; Popper 2002 (1963); Derrida 1967; Derrida 1993

³⁶⁰ On “historicism”: Popper 2002 (1967): 452; Popper 1945: 202 (both excerpts are translated to Danish: for the *former* see Popper 1973: 80; for the *latter* see: Popper 1973: 108)

³⁶¹ Hulme & Turner 1990

³⁶² Hulme & Turner 1990: 34-53

³⁶³ For general critiques on colonial bias within Structure-Functionalist and Marxist-Leninist social theories, see Hulme & Turner (1999: 34-43, 43-53), Wolf (2010 [1982]), Spivak (1988) and Chatterjee (1993). For more about Gramsci’s postcolonially self-aware Marxism, see Capuzzo & Mazzadra 2012, Gramsci (1919), Gramsci (1930). For similar information regarding Rokkan’s postcolonially self-aware Functionalism, see Rokkan & Urwin (1982: 1-2). For general intellectual history regarding the entangled genealogies of Structure-Functionalism and Marxist-Leninism, see Hughes (2002 [1958]), and Popper (2002 [1967]: 425, also Danish translation in Popper [1973]: 80). For some more recent family resemblances between the two traditions see the various concepts of social threefolding in Rokkan, Gramsci, and Rudolf Steiner (Sic!) (Rokkan & Flora 1999: end note 1; Cini 2012: 31-33; Steiner 2020 [1919]).

³⁶⁴ McGinnis 2011b; McGinnis 1999; Hutchinson 1996

³⁶⁵ McGinnis 2011a

prefigurative satyagraha, but may shed less light on the other paths to constituent power. ANT, alternatively, reduces state formation to knowledge praxes, or the political-cultural dimension. That is relevant to trace the practical path I have called prefigurative enlightenment, but may be less relevant regarding the two other paths. The postmodern Machiavelli reduces state formation to brute force and ice-cold instrumentality, or the political-military dimension. It is relevant to trace prefigurative war-of-position, but says little about the two other pathways. If this argument is proven correct, then it implies that each of the three approaches keeps focus on one explanatory factor, thus ignoring the other two factors, and thus, these other two factors become confounders.

1. Therefore, if I apply the SES framework alone, I will gain information about the pathway of prefigurative satyagraha, while the two *other pathways remain in obscurity*.
2. However, if I supplement SES with ANT, I could trace some of the impact of prefigurative enlightenment as well, but *other pathways still remain obscure*.
3. Finally, in order to control for the possible bias of wishful thinking, I could add the postmodern Machiavelli as well, to address prefigurative war-of-position as well. However, all explanatory models remain hypothetical. I can still expect that *still other pathways still remain in obscurity*, even though I am unable to imagine them.

These three bullet-points describe exactly what I have done in the present research project.

However, I keep the normatively informed distinction between the power of brute force (the postmodern Machiavelli), and the power of rights and proofs (SES and ANT).

The empirical chapters are products of a research project where I found items of data in the field, including theoretical resources used by the social actors. There I found resources from ANT and SES, and I have adapted them to trace some of the possible ways whereby prefigurative satyagraha and prefigurative enlightenment may transform a state.

The final theoretical chapter is an attempt to control for the potential bias, by seeing what the clear-cut state-centred realism may offer, when taken as a supplement to the other approaches. Here I discuss empirical findings from a colleague in the realist camp, and discuss those in terms of the postmodern Machiavelli.

Models remain models. They are supposed to be simplifications. For this reason they can be helpful, but of this same reason their use remains limited: they may function ideologically. Mono-causal models may be useful to treat one and one explanatory factor in isolation. However, for *practical purposes* one may need to take a plurality of factors into account. The concern for practical applicability led Elinor Ostrom to present her theoretical developments as an unfinished *diagnostic framework*. Evidence-based medicine relies on multiple explanations, to map a wide

“web of causation”³⁶⁶ Since models are just models, we can safely assume that there always is a residual of pathways that remain in obscurity. However, it might very well be that some of the pathways that remain unknown would have been practically relevant for some practical interests.

One thing that is certain is that my conceptual distinction between three paths to constituent power is a sketchy abduction, which could be further developed. The very distinction between customary praxes, knowledge praxes, and coercive force, is merely a social convention. However, it is a social convention with ethical and practical relevance. It is on this pragmatist ground I have chosen to define SES and ANT as two complementary explanatory frameworks within the “new theory”, while the postmodern Machiavelli is defined as a rival explanatory framework, and an updated version of the “old theory”.

4.2.5 Summing up

Here I have made a series of choices regarding ethical, methodological and conceptual issues. This in order to take full responsibility for how my research might be (mis)used to empower the various paths of constituent and constituted power.

The ethical discussion led me to adopt a teaching from the critical realists Morgenthau and Chomsky: One should be observant of the impact of violent force, but also of the power of norms and knowledge, but most importantly: the two should be kept separate, to avoid misusing liberal norms to justify actual cruelties. For this reason I devised a conceptual wall of separation between ANT and SES on the one hand, and a clear-cut state-centred realism on the other. The former tools are used in the empirical parts of my thesis, in order to identify some of the positive opportunities that the Sámi indigenous rights movement found to empower themselves. The latter tools are used in the final theoretical discussion, to control for the possible bias of wishful thinking.

The epistemological discussion led me to adopt certain research strategies for *critical inquiry*, in the tradition of Kant. Thus I hope to bring critique of ideologies back into social movement research, and thus, to contribute to prefigurative enlightenment. The two research strategies I adopted were the *participatory* and the *abductive*. The first is based on participatory learning and action (PLA), but also inspired by ANT. The latter is based on Charles Pierce's critical realism. These are research strategies that I have already applied in Chapters 2 and 3. The same research strategies have been used in all the empirical chapters.

The conceptual discussion led me to distinguish between different approaches, each of them zooming in on one particular explanatory factor, while leaving all others explanations in obscurity. Thus, each of the approaches may provide a partial explanation of state transformation. On

³⁶⁶ Krieger 1994

pragmatical grounds I have drawn a conceptual distinction between three pathways of constituent and constituted power. In the empirical chapters I will mostly mobilize conceptual resources from SES, which zooms in on the most widely pursued path towards transformation: prefigurative satyagraha. However, I will also mobilize ANT, to focus on prefigurative enlightenment as well. Only in the final theoretical discussion I will mobilize a clear-cut state-centred realism, in order to control for the potential bias of wishful thinking. However, I am certain that there still exists some hidden and potentially relevant explanatory factors, which I cannot even imagine.

4.3.0 Research plan

4.3.1 Overview

The research plan takes the practical consequences of the discussed premises for research design. The ethical, epistemological and conceptual choices above have informed the choices that follow:

Initially, I will present the chosen geographical boundaries for the study (4.4.2). The conceptual choice of a turn to landscape geography has determined the choice of geographical boundaries.

I will then continue to the issues of explanatory mechanisms (positive findings) and estimation of measurement error (negative findings) (4.4.3). I will also discuss how some possible mechanisms may be identified with an abductive approach (4.4.4). Methodological choices have determined the preference for an abductive approach to mechanisms, but also the intention to seek a qualitative equivalent to estimation of measurement bias.

Finally, I will present the explanatory model that has been adapted in order to identify possible mechanisms (4.4.5 – 4.6.7). Ethical choices have determined the division between the preferred explanatory model and the rival explanation. Conceptual choices have determined the preference for *praxis networks* as a meso-phenomenon that mediates between constituted macro order and constituent micro action.

4.3.2 Analytical systems boundaries: the bioregionalist alternative

Even though this is a study of state transformation in Sápmi, the chosen *analytical system boundaries* do not coincide with the boundaries of any particular *state*. Because Sápmi is a trans-

boundary socio-ecological region, it would be misleading and biased to define the analytical system boundaries according to the specific set of conventions that Bauböck described as “methodological nationalism and statism”. Previously, in 2.2.0, I discussed Implications for the *art* (or practice) of constituent power, and in 3.2.0, I presented a positive alternative for the *science* (or theory) of constituent power. I suggested turning to geography as an *empirical discipline*, instead of boldly *assuming* that states really are “sovereign” and nations really “holocultural”. In particular, one should not assume that actual jurisdiction is a function of monopoly of violence. Since the aim of this study is to observe some paths to constituent power that might be possible for indigenous rights movements (and other environmental justice movements), I chose to follow political geographers with interest in the mutual causal impact between social movement action and historical-geographical formations.³⁶⁷ Thus, I ended up specifying the abstract term of “constituted order” as *concrete terrains* of practices of power, to be *mapped* geographically.

The ongoing state transformation in Sápmi involves changing boundaries: Firstly, the spatial boundaries between states get a different function, for example as a result of multilateral agreements or unilateral policies. Secondly, the states have continuously co-evolved with other geographical entities: the natural resource systems and the indigenous cultural area. States are not formed in a vacuum, or *Terra Nullius*, or “state of nature” but their formation relate to pre-existing sociological and ecological patterns. The empirical part of this thesis starts with a geographical introduction, which gives a panorama over the constituted order, combining local history with descriptive statistics in the form of maps. Here I use data of relevance for *landscape geography*. The final theoretical discussion sketches an alternative panorama, to serve the rival explanation. Here I use data of relevance for *strategical geopolitics*.

1. *Firstly*, the *analytical systems boundary* selected for this study is constituted by the two selected watersheds, Alta and Deatnu. Both watersheds connect *upstream* areas in Inner Sápmi with *downstream* areas that were previously known as having been assimilated into the standardised nation-state culture. *Upstream* areas of the *Deatnu* watershed are located in the heart of Inner Sápmi but at the border between Norway and Finland. The Deatnu River belongs to two states, but to three or more nations. Thus, when state transformation is exemplified with those two water areas, then it includes transformation of two states, plus inter-state relations within one local social-ecological region.

³⁶⁷ Routledge 1993; Routledge 1997; Routledge 2008; Slater 1997

2. *Secondly*, the *environment of the system* is also seen in geographical terms, as a totality of ecological and cultural conditions. The geographical introduction provides a panorama at such a general level that I provide a tentative mapping of the environment within two grand macro-regions that are partially overlapping: the Circumpolar and the Western-European. Thus, I research state transformation in the context of macro-regional institutional development, which sometimes is aimed at overcoming the unilateral policies of the states, and adapting the state system to the actual geography ecosystems and cultural regions.

All those factors are mapped differently from the *landscape ecology* view (in the geographical intro) and the *strategical geopolitics* view (in the final discussion). Each of the views may be reductionistic in its own right. Old school political science (as I have discussed in 2.4.3 and 3.4.3) had a tendency to over-emphasise military history as an explanation of state (trans)formation,³⁶⁸ thus taking a strategical geopolitics view that was one-sided. My preferred landscape ecology view is a *bioregionalist* alternative to methodological nationalism and statism. This alternative view is functional in order to highlight realities that tend to be overlooked by so-called realists. However, one should be careful not to let this new view become equally reductionistic as the old one.

4.3.3 Causal mechanisms and measurement errors

State transformation is a socio-ecological process at the macro level, even though one might zoom in on more particular geographical localities, to trace more particular causal chains. With quantitative causal analysis one might gain a rough sketch of a wide panorama, by using data about a few selected variables, but across a high number of units. With quantitative process tracing one zooms in on a few units, in their complex environment, and may myopically trace particular chains of causation. Those are two options for research design, and there is a trade-off in choosing. Qualitative process tracing gives gained specificity, but at the cost of weak generality. Quantitative causal analysis gives gained generality, but at the cost of lost specificity. Either way may be used to *test hypotheses*: With quantitative data analysis one may test prepositions about *probability*. With qualitative process tracing one may test prepositions about *possibility*. Either way might also be used to *develop hypotheses*: either through inductive use of quantitative data, or by abductive use of qualitative data. Each option is a way to gain insight into institutional change. Each option would be relevant for the SES approach. There are several reasons why I choose to use the SES framework for a specific purpose: hypothesis-development through abductive use of qualitative data.

³⁶⁸ E.g. Tilly 1980

I choose the abductive, qualitative approach because SES approach remains under-developed with regard to studies of change or dynamics. As I discussed in the previous chapter: SES-research on institutional change still is in an abductive change. Qualitative process tracing can be used to inquire into some of the possible pathways of norm change, through “networks of adjacent action situations”, all at the micro-situational level. There are other reasons as well for my choice of the abductive, qualitative approach. One additional reason is simply that I did not know much about Sámi politics before starting this research, and therefore I could not make any relevant quantitative research question. Another reason is, as I have argued in the previous chapter, that the abductive approach may be a way to try to overcome some ideological bias, and work towards scientific knowledge with increased reliability (or decreased lack of reliability).

Of those reasons I choose to focus on few cases in their complex environment, and to do a myopic tracing of selected, particular processes. I loose generality but gain specificity. However, one must have in mind that *correlation is not causation*. If we have little clue about the particular causal processes at play, there is limited usage of correlation. If the causal model is conceptually invalid, then it would not help if we adapt reliable analytical techniques, because the interpretation would be conceptually invalid anyway. In order to develop good causal models, we need to identify *some of the possible causal pathways that might actually be possible, in practical reality*. A preposition about such a pathway is what I will call a “*mechanism*”.

By zooming in on some particular causal chains, I have chosen to *specify some mechanisms*, which may be further investigated in future studies with stochastic design. When I use the term “mechanism” I hope it will not be misinterpreted as any deterministic form of causal explanation. I am not in favour of ideological explanations, neither on the basis of commonsensical induction (*doxa*) nor on the basis of dogmatic deduction (though I acknowledge that we may never rid us fully of ideological bias). I hope to stick the label “non-deterministic” to the term mechanism, and thus I choose the term *possible stochastic mechanism*. Quantitative causal analysis informs *stochastic hypotheses*. Qualitative process tracing informs *possibilistic hypotheses*. In either case, however, all explanations remain *hypothetical*. Uncertainty is the condition of knowledge, and science is systematic doubt.

In order to study such mechanisms, I have gathered historical and ethnographical data, presented in two single-case studies. For both these studies I observe and identify some possible pathways of constituent power. Thus, I observe some possible mechanisms, and they appear to have been in force, but their relative impact when compared to other mechanisms remains open for discussion. In principle, that question may be further investigated in future studies with standardised data and statistical methods. That is the reason why I characterise my account for the observed processes as a set of possible and stochastic mechanisms. How can I handle uncertainty? If my

research design had been a quantitative one, then I would have done statistical significance testing in order to estimate the hypothetical measurement bias. However, it is obviously impossible to apply statistical techniques with a non-statistical research design. Quantitative researchers try to *estimate measurement biases*. In a similar fashion, I have tried to *observe the limits of my own observations*. I have tried to observe the issues that remain under-researched, in spite of some social groups having had an interest in those issues having been inquired. When some question remains chronically under-researched, even though it is perceived as being of great importance for some interest group, then we might have to do with a bias that remains unchallenged. The purpose of my study is to contribute to a collective effort of gradually overcoming biases, and therefore, I try also to observe some ways whereby my own study may remain biased.

In summary, I make two kinds of observations in each of the empirical chapters. On the one hand, I *observe some possible mechanisms*. This is what I call *positive findings*. On the other hand, I *observe some issues that remain under-researched*, in order to estimate the residual of colonial bias. This is what I call *negative findings*. In principle, positive findings should not be interpreted in isolation from negative findings. Correlations should not be interpreted independently of the significance test, and observations of possible mechanisms should not be interpreted independently of observations of residual bias.

4.3.4 The art of science: a dialogue of conjectures and refutations

In all the single-case studies, I have tried to observe some possible stochastic mechanisms, and at the same time, to estimate the measurement biases. When doing this, I have not searched for every kind of causal factor. Neither have I searched for a few pre-defined causal factors. Consequently, my inquiry has not been purely observation-driven, nor has it been purely theory-driven: neither inductivist nor deductivist. *Inductivist* social scientists, such as Barney Glaser, strive at being open to whatever the data may have to tell. That is laudable and useful for many purposes. *Deductivist* social scientists, such as Michael Burawoy, strive towards accountability in the logical argument, by applying a chosen theoretical approach. That is also laudable and useful for many purposes. However, *neither of those extremes* would be fruitful when the goal is inquire issues that appear to be systematically under-researched, in order to give one particular contribution to the joint effort of overcoming colonial bias. In the previous chapter I discussed what Charles Pierce called *abduction*: swift iterations between inductive and deductive moments, together forming some hypotheses about possible causal pathways. I argued that this was a way to try to overcome popular prejudice (*doxa*), stretching out towards increased reliability (*episteme*). At least it may potentially provide a

contribution to decreased lack of reliability, and thus, to decreased ideological bias.

For postcolonial political science, I think abduction is a useful way to develop hypotheses regarding possible stochastic mechanisms. By suggesting this, I slightly deviate from the view of James Mahoney, who discussed two ways of inquire mechanisms:³⁶⁹ One possibility is to search for “intervening variables” by seeking more fine-grained information about some process that has been “black boxed” at a less detailed level of observation. This is the inductive alternative, the one pursued by Barney Glaser. Another possibility is to seek information in formation of what is going on with regard to one pre-selected variable, and thus, to seek information about whatever the selected theoretical approach defines, in Mahoney,s words, as “ultimate causes”. This is the deductive alternative, which is practiced by Michael Burawoy. I think two good representatives of each of those alternatives are Latour and James Coleman.

At the inductivist side, Bruno Latour assumes that all imaginable “constituent parts” actually consist of even smaller parts. Therefore, he always seeks more specific information, in order to discover unexpected processes, and thus to crack open any “black boxed” concept. As Mahoney correctly points out in his paper, this is an open-ended effort. Unlike Mahoney, I do not see that as problematic. However, the *ethics* of opening all black boxes may become a *metaphysical* dogma: it may become a black-box in its own right. Latour's qualitative inductivism is so total that, unlike his ANT colleagues Law & Singleton, it disables him from saying anything about macro patterns, environmental factors, asymmetrical power/knowledge, or collective ignorance.

At the deductivist side, James Coleman argues in favour of faithful application of rational choice individualism. He insists that if we are to explain state transformation, such as a revolution, then the explanation is invalid unless we can trace a particular causal relation at the level of individual rational choice.³⁷⁰ But methodological individualism is only one sociological model amongst others; it is not the only one. This is where Coleman differs from another methodological individualist, Elinor Ostrom, for whom individualism is merely an empirical and practical tool.

Between both extremes, the abductive alternative is found. This middle position might not be acceptable for purists such as Latour and Coleman, but it appears to me as being more compatible with their more pragmatic colleagues, such as Law & Singleton and Ostrom. For my purpose, it would be inappropriate to choose between either “interventing variables” (inductive approach) or “ultimate causes” (deductive approach). Instead my research has proceeded through a dialogue between inductive and deductive moments, what Charles Pierce called abduction: I tried to be aware of how the *data material* is selected because of its relevance for the *coding categories* (deductive moment), while at the same time, how the *coding categories* are adapted to fit the actual

³⁶⁹ Mahoney 2003

³⁷⁰ Hedström & Ylikoski 2010; Coleman 1998, fig. 1.3

data material (inductive moment). Abduction is the way whereby I have attempted to observe possible stochastic mechanisms, and at the same time, to observe some of my own measurement errors.

4.3.5 The explanatory model to be specified

This research project is a study of *state transformation* in the High North. *State transformation* is the phenomenon I aim to explain, what we call *explanandum*. In order to explain this phenomenon, I will focus on some selected explanatory factors (while this implies that I focus away from other possible explanatory factors). Selected explanatory factors are what we call *explanans*. The main focus is on the *struggle for rights and proofs*, or in other words, the two pathways of prefigurative satyagraha and prefigurative enlightenment. However, in order to control for the potential bias of wishful thinking, I will also have a look at the (mis)use of coercive force, the pathway of prefigurative war-of-position.

Explanans 1 and 2, respectively, refer to *institutional change* and *decrease in collective ignorance* – the struggle for *rights* and for *proofs*. To put it simply, I have so far implied that SES and ANT have been used to identify two different explanatory factors. In fact, however, my research combines both SES and ANT to explore both explanans 1 and 2. Both are sensitive to the interaction between nature and culture, but one main difference is that ANT pushes towards possibilistic specification, while Ostrom's SES pushes towards stochastic generalization.

- *Institutional change* (explanans 1) is conceptualized as the impact of *customary praxes* (in the context of natural resources), on the *body politic* (understood as a codified body of law). This includes *impact on* policy networks that make codified laws, *from* issue networks committed to the *struggle for rights*. However, it also includes *co-evolution between* policy networks that make codified laws, and kinship networks that maintain and develop *longstanding indigenous customs*.
- *Decrease in collective ignorance* (explanans 2) is conceptualised as the impact of *knowledge praxes* (in the context of natural phenomena), in the *body politic* (understood as a certified body of knowledge). This includes *impact on* policy networks that make certified science, *from* issue networks committed to the *struggle for proofs*. However, it also includes *co-evolution between* policy networks that make certified science, and kinship networks that maintain and develop *indigenous traditional knowledge*.

In conflict-theoretical terms, both processes may be seen as different components of the struggle to define the premises for socio-material (re)production of *hegemonic social power* within an existing

historical-geographical formation. This is the explanatory framework I use in the empirical parts of the thesis (Figure 4-1). Thus I hope to identify some of the positive alternatives that might exist for environmental justice movements in general, and for indigenous rights movements in particular.

In the final, theoretical discussion, I will review competing explanations from the "old school". Here I mobilize conceptual tools from the postmodern Machiavelli, a clear-cut state-centred "realism". This may be seen as a process whereby geo-strategical theatres (*Fortuna*) are being stabilized and transformed. In that context, *Explanans 2* is re-defined, from landscape ecology to geostrategical theatres, which is a most different way of approaching the management of land and water resources. (See 3.2.5 for Elinor Ostrom's account for the two rival theories.) With such a one-sided and reductionistic perspective, political conflict is reduced to struggle to define the premises for socio-material (re)production of *hegemonic coercive force* within an existing historical-geographical formation. This is conceptualised as the impact of *coercive force* (*Virtù*, in the context of spatial location), on the *body politic* (understood as a virtual monopoly of violence). The ice-cold instrumentalism of the postmodern Machiavelli is also a specific epistemological stand point, and this it implies an alternative view also on *Explanans 2*. This perspective is being applied in the final theoretical discussion. Thus, I hope to "control for" the potential bias of wishful thinking.

Explanans N is an empty category. It refers to everything that remains ignored in my own model. It refers to whatever residual explanatory factors that are not contained within the conceptual tools I have mobilized. It refers to the unknown, irreducible error.

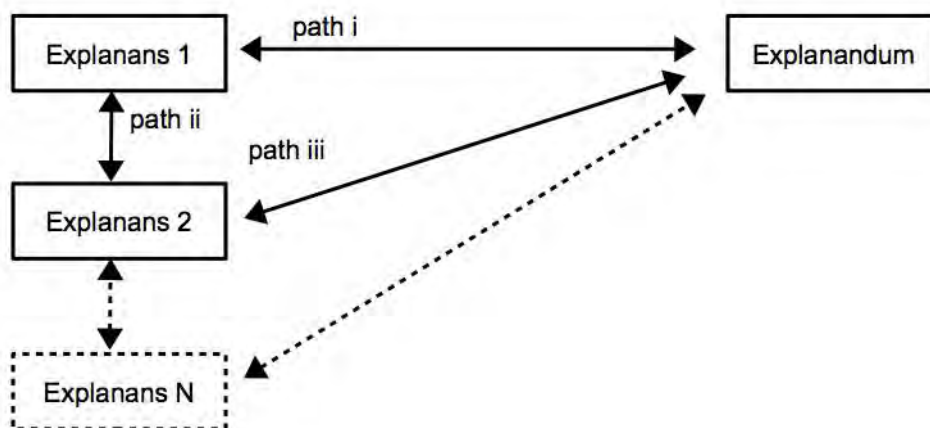


Figure 4-1: The general causal model, made to be specified empirically

Political research provides proofs, and thus, it is one of the knowledge practices that empower constituted order and constituent power. This issue should not be ignored in my own *research method* (and this issue I have addressed as estimation of measurement error), but it should also not be ignored in the *causal model* (which I addressed as *Explanans 2*). For the art and science of

constituent power, the *object of observation* and the *act of observing* are interdependent phenomena.

When I searched for possible stochastic mechanisms in my data material, I sought to *specify some of the ways whereby the pathways may actually (empirically) work, in the chosen (theoretical) causal model*. Paths i, ii and iii emerged as the practically relevant factors when I developed hypotheses about possible stochastic mechanisms. Since I have chosen the *abductive* approach, the research includes both inductive and deductive moments. The inductive moment approaches mechanisms through *selected data bits*. This is analogous to what the causal analyst does when suggesting mechanisms in the meaning “intervening variable”. The deductive moment approaches mechanisms through *selected coding categories*. This is analogous to Mahoney's definition of mechanisms as “ultimate causes”.³⁷¹ The abductive research strategy is a dialogue between inductive and deductive moments. The purpose is to avoid reification of commonsensical induction (*doxa*), while also avoiding reification of deductive dogmatism.

Each of the possible stochastic mechanisms that were observed in the research has to be seen as hypothetical specifications of the general causal model of political-geographical change. The causal model is made to *highlight specific causal relations*. It is a derivation from della Porta's model of mutual causation between (constituted) macro order and (constituent) micro praxes. There has been little research on the structural strains of social movements, the impact of macro on micro. There has been even less research on the outcomes of social movements, the impact of micro on macro. Similarly, in the SES framework, there is solid knowledge on how micro choices may be bound or conditioned by macro factors, but the research on how macro order emerge from micro praxes remains an unfinished research front. I recognise the already accumulated knowledge on how macro order may co-determine micro action, and apply this in my own process tracing. What I try to investigate is the under-researched side, *how micro action may produce macro order*. Therefore, my aim is to specify causal pathways, at a more microscopical level of analysis.

If I had emphasised the *temporal* dimension, then the causal model would have shown (constituent) micro action as explanans, and (constituted) macro order as explanandum – still with a feedback loop back again to the explanans. *However, I do not* emphasize the temporal dimension.

What I do emphasize is the *spatial* dimension. The chosen model *shows (constituent) micro praxes* as the *pathways*. The *nodes* in the model (which are linked through the pathways) are not the state at two different moments in time. The nodes called “explanans” refer to macro-environmental factors. They describe various attributes of the *socio-material environment* in which the *state system* is embedded. Explanans 1 refers to the environment of actual customary praxes (in the context of natural resources) that are outside the body politic (outside its sanctioned body of

³⁷¹ Mahoney 2003

law). Explanans 2 refers to the environment of actual knowledge praxes (in the context of natural phenomena) that are outside the body politic (outside its certified body of knowledge). Explanans 3 refers to geo-strategical theatres (in the context of spatial location) that are outside the body politic (outside the virtually sovereign monopoly of violence). Thus, the nodes that are labelled as “explanans” refer to general background conditions or environmental conditions with which the state co-evolves.

The nodes in the causal model (Explanans 1-3, N and Explanandum) all refer to various forms of *constituted order* at the macro level. Those entities are virtual spatio-temporal formations located in concrete, three-dimensional terrains.

The paths of the causal model (i, ii, iii) refer to various forms of *constituent praxes* at the micro level, located in particular situations in concrete terrains. However, the pathways also include how micro-interaction might create ties and exchanges across dispersed action situations: networked action at the meso level.

4.3.6 The nodes of constituted power

The first empirical chapter introduces Explanans and Explanandum in terms of landscape geography. Explanandum is the state formation as a social fact: a codified body of law plus a certified body of knowledge. Explanans 1 is the environmental landscape geography, consisting of customary praxes (*informal rules* in the governance system) and natural resources (the resource system). This is what remains of the Social-Ecological System when I define away the state formation (*formal rules* in the governance system). Explanans 2 is the humanistic landscape geography: various local perceptions of place, various local practical realities. This definition of the nodes in the causal model is kept throughout all the empirical chapters, in which I seek to specify the pathways (i, ii and iii) between those nodes. Explanans 1 and 2 put focus on customary praxes and knowledge praxes outside the state, two phenomena of interest for the Sámi Rights Commission.

The theoretical discussion turns to the *rival theory*: The introduction of Explanans 3 implies another definition of the Explanandum. For the clear-cut state-centred “realism”, the state is a virtual monopoly of violence (Explanandum), embedded in virtual geo-strategical theatres (Explanans 3). The introduction of clear-cut political cynicism also implies that knowledge praxes are understood in purely instrumentalist terms: valid practical realities are whatever intersubjective perceptions that serve some technical purpose. Explanans 3 puts focus on coercive force, an issue of interest for security in the Barents Sea Basin. It is relevant regardless of whether one has a preference for balance of terror, or disarmament.

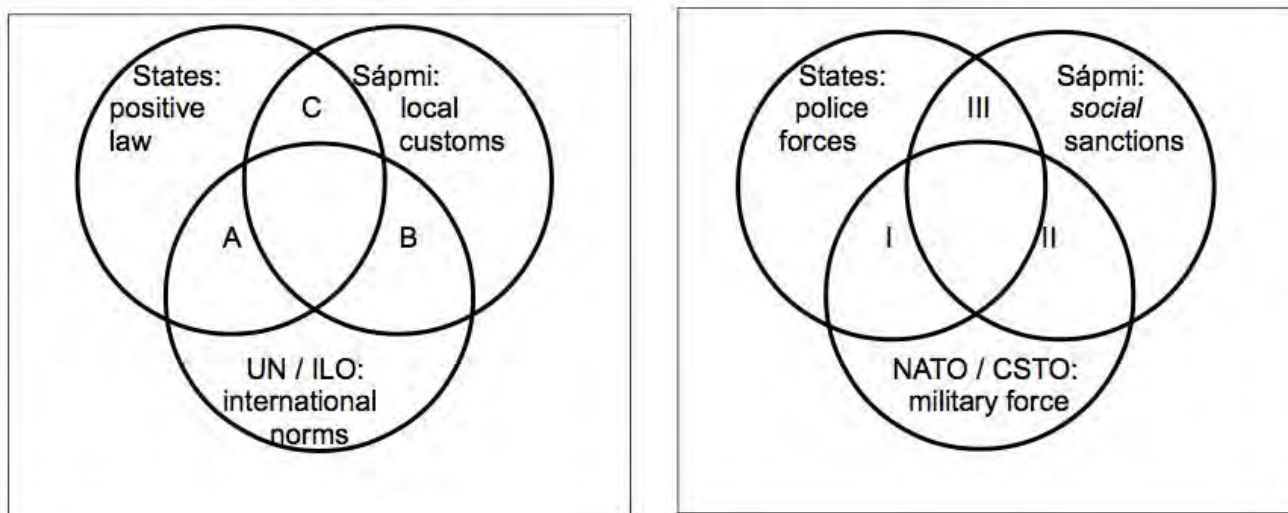


Figure 4-2: Overlapping political systems: jurisdictions vs. sovereignties

Left: overlapping jurisdictions (meaning sources of legally valid norms)³⁷²

Right: entangled sovereignties (meaning monopolies of violent force)³⁷³

A = UN recognition of state sovereignty, since 1945

B = UN ignoring indigenous peoples until 1990s, then recognising indigenous self-determination

C = States criminalising local customs until 1990s, then ratifying new UN norms, decriminalising local customs

I = Military alliances enforcing the norm of state sovereignty

II = Military alliances stigmatising non-recognised human rights activists (strategic securitisation)

III = Institutional violence suppressing non-recognised customs, while enforcing the recognised ones

The two rival theories provide two rival framings of the Explanandum, state transformation. Among those who observe state transformation in the High North, some focus on the military and the denationalisation of defence,³⁷⁴ others focus on institutions and knowledge, and the emerging multi-level institutions.³⁷⁵ The old theory and the new theory take interest in different aspects of the same contemporary reality. One common theme is that there is an increasingly visible gap between prescriptions of ideal state unity and descriptions of actual interdependency. The increasing visibility of this gap may indicate either that the gap itself is new, or alternatively, that what is new is its visibility. It is also debated whether the states are losing sovereign power, or if sovereignties are becoming more entangled. In either case, some forms of democratic self-rule are losing power,

³⁷² The diagram to the left is loosely based on another figure, in Skogvang 2009: 36. One difference is that the circle "States: positive law" in her version was called "norsk rett" (Norwegian law), thus zooming in on one of the four states that have established presence in Sápmi. One should also add that she describes the interplay between various sources of law as "legal pluralism", and does not use the term "jurisdiction" in this context. My main innovation is to add the diagram to the right – a similar figure that describes an analogous relation between entangled sovereignties. It is the relative autonomy of normative order (left side diagram) from coercive power (right side diagram) justify the distinction between sovereignty (meaning monopoly of coercive force) and jurisdiction (meaning sources of legally valid norms).

³⁷³ My definitions of "sovereignty" and "jurisdiction" might be awkward, but are a way to refer to a situation, which resembles the "overlapping sovereignties" in Latin America, but with the difference that in the case of Sápmi, the indigenous peoples have refrained from answering violence with violence. This, in the case of state transformation in Sápmi, we might *keep constant* the explanatory force of coercive force constant, while *observing* the constituent power of non-violent collective action. See also part 2.2.2, in particular the long footnote on how to define "sovereignty" and "jurisdiction".

³⁷⁴ Østerud & Matlary 2007

³⁷⁵ Neumann & Sending 2010

while other forms are being established. I would describe this as entangled sovereignties.

There are various ways to look at entangled sovereignties in the high north. Figure 4-2 suggests two different models, one of *entangled jurisdictions*, another of *entangled institutional violence*. The former looks at social norms with various degrees of legality, while the latter draws attention to systems of coercive enforcement. In either case, the states (upper left circle) are not autonomous of international organizations (lower circle), nor are they autonomous of the more ancient social institutions of the indigenous homeland (upper right circle).

With regard to *entangled jurisdictions*, the states are sources of so-called positive law, while in the indigenous homeland, local subsistence practices tend to be regulated according to various local customs. The states have recognized the legal validity of some of these ancient customs, while others have been criminalized. Nevertheless, the local indigenous people have continuously kept and developed their local customs, regardless of attempted criminalization. Such relations were of no interest to international norms in the first decades after the Second World War, when the prime goal of the UN was to secure state sovereignty (see A in figure 4.2). However, after a successful fourth world movement in the 1990s, the UN now recognises indigenous self-determination, in the form of a collective human right (see B in figure 4.2). Some of the host states of Sápmi had previously ratified the norms of collective human rights, and as a result of the UN recognition of indigenous self-determination, some host states of Sápmi have now started an attempt to decriminalize, register and codify the indigenous customary norms (see C in figure 4.2). This is often seen as an act of recognition from the state. However, some indigenous rights activists, such as the ČSV movement, could possibly see this codification as consolidation of state power in areas where the states never enjoyed authority among the population. Indeed, the fact that ancient norms have been continuously kept and developed in spite of attempted criminalization, does indicate that the ancient tribal confederacy never quite disappeared, while the system of sovereign states was never quite consolidated. Thus, in spite of *de jure claims* of jurisdictional monopoly from the states, there has been a *de facto* jurisdictional complexity. This includes «post-siidas» together with the «proto-states», as well as various intergovernmental organizations, prefiguring a potential world society. In this complex normative environment, the social fact is that local customs and international norms do matter, in addition to the so-called positive law of the states.

With regard to *institutional violence* the situation is no less complex. In spite of the Weberian definition of states as territorial monopolies of power, each of the states in Sápmi is in fact not free to determine its own security strategy. What must be clear from the beginning is that local customs in Sápmi are not enforced with coercive means, but also, that pacifism does not render the population impotent to defend itself. Everyday social sanctions and everyday resistance function as what Gene Sharp call “social defense”. In recorded history, there have only been one or

two instances where the Sámi have responded to colonial violence with violence. So there is co-existence between an indigenous homeland, with systems of social defense, and four host states, with four systems of institutional violence. Additionally, the relationship between the four host states is not a simple one. While two of the host states generally maintain a policy of neutrality, the eastern and western host states are members of two different military alliances: NATO and CSTO. The purpose of those alliances is to defend the sovereignty of their member states (see I in figure 4.2). Norway, as a minor member of NATO, is dependent on the larger allies, and thus, its national parliament has no *de facto* sovereignty in matters of foreign policy. During the cold war, there was a rather strong military presence on both sides of the Norwegian-Russian border, which divided the Sápmi homeland. Even though the Nordic states are known for their relative stability, the northeastern part of the region remained rather turbulent after 1751, and the history was bloody until 1945. Only after *Glasnost* did the demilitarization of this zone begin. The latter period coincides with the period when the host states have made some attempts to institutionalize norms of indigenous self-determination. The institutional violence of the states is in a rather ambiguous relationship with indigenous local customs, as well as with international norms on collective human rights. State coercion is being used to *suppress* local customs and human rights claims in instances where those remain criminalized. Simultaneously, state coercion is also used to *enforce* the local customs and human rights that have been recognized by the states (see III in figure 4.2). The military alliances NATO and CSTO may sometimes pose as champions of human rights or other international norms, but when it comes to those indigenous rights claims that are still not recognized, such claims are being stigmatized as “radicalism”, and thus, as potential threats to state security (see II in figure 4.2).

Those two models describe conditions of interest to different schools of political science. *Legal pluralism* (including plural jurisdictions, meaning sources of law) is a condition of interest to institutionalist and constructivist political science. *Entangled sovereignties* (meaning monopolies of violence) would be the focus for neorealist political science. One-sided focus on coercive force, however, would be rather unrealistic, because it would overlook the actual force of ancient local customs that are being enforced and defended with non-violent means. However, it would also be unrealistic with a too one-sided focus on normative order, because we should not overlook the actual state violence to which the indigenous peoples of Sápmi respond non-violently.

4.3.7 The paths of constituent empowerment

The empirical part of this thesis leads to formulation of a series of hypothesis about *particular mechanisms*. Each and every mechanism is specified with regard to the consequences that each particular mechanism appears to have for all three pathways i, ii and iii (Table 4.1). In the final discussion of findings I discuss the mechanisms I have observed against the causal pathways observed by the rival theory. In order to make the findings comparable, I *force* the rival findings into the standardized *mould* that I used to describe the effects of the mechanisms I had observed myself.

Table 4-1: Standardised mould for describing the effect of each of the mechanisms observed

Name of mechanism (macro, meso or micro level)
i. effect on two-way causal link between Explanans 1 and the Explanandum
ii. effect on two-way link between Explanans 1 and Explanans 2 (causal interaction between explanatory factors)
iii. effect on two-way link between Explanans 2 and the Explanandum

The geographical overview chapter (5.0.0) concludes with a very sketchy tracing of a general macro process of functional adaptation. I have chosen to call this a “macro-mechanism” even though I agree with Coleman that it is actually better to specify mechanisms at the most particular level conceptualised by one's theory (Figure 4.4 below). If this kind of “macro-mechanism” was everithing I had to offer, then it would have been an “ecological fallacy”. However, the whole purpose is to “unpack” this general and sketchy explanation by specifying some of the more particular causal processes it contains.

In each of the following empirical chapter (6.0.0-11.0.0) I *trace some of the possible pathways* that are contained within the macro-process that was presented in the geographical introduction. Two case studies provide data on a sociological micro level, and social action in one localised situation feeds into social action in other localised situations. One action situation is *folded* (merged) into the next, constituting *long chains* of socio-ecologically interrelated local situations. By tracing some of those ties between different situations, I attempt to observe how micro-interaction may constitute emergent, networked social action, a *sociological meso-level*. Thus, I zoom in on the micro-meso link. This is he analytical level where the observed explanatory mechanisms are being described.

Finally (12.0.0), in order to obtain a logically consistent explanation, I have mobilised general *micro-sociological* theory to explain how the observed meso relations are made and maintained by social action.

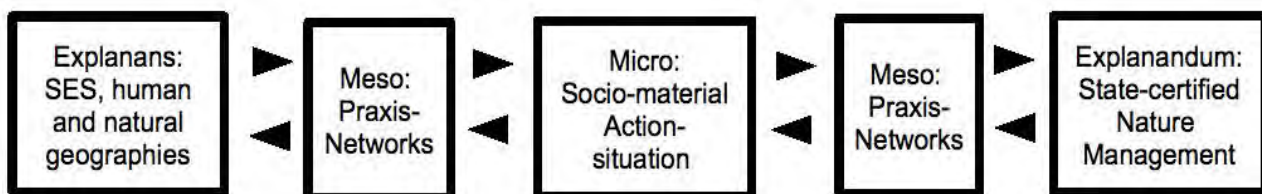


Figure 4-3: Practice networks: the path that links each Explanans with the Explanandum

This model would apply to paths ii and iii in Figure 4-1.

Figure 4-4: Coleman's "bathtub" for explanatory mechanisms

The original title of this figure is: "Micro- and macro-level propositions: effects of improved social conditions on potential for revolution"³⁷⁶

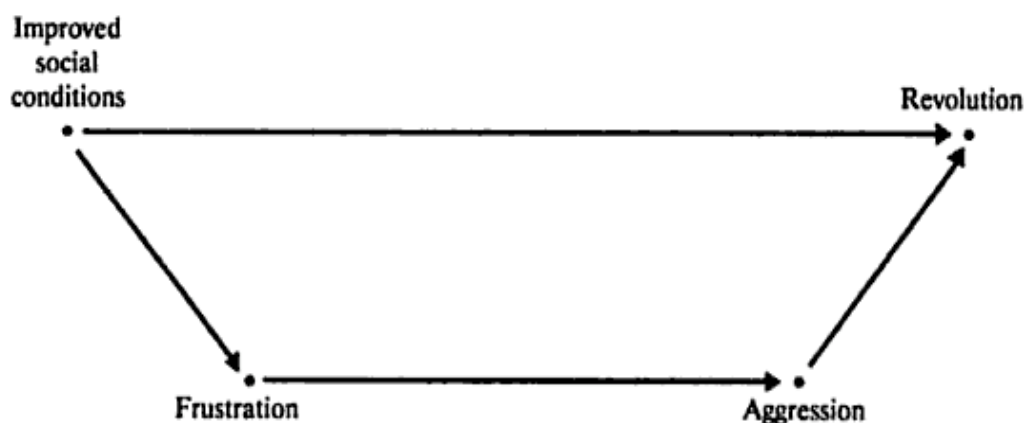


Figure 1.3 Macro- and micro-level propositions: effects of improved social conditions on potential for revolution.

Consequently, this is a study of some of the many particular pathways whereby the *meso* level emerges from the *micro* level. Some networks are traced all the way into geographically central locations of power (nodes of power), such as internal negotiation-situations within the government during the Alta-dam struggle. By following the meso networks into some central *loci* of power, the study also traces some of the many particular pathways whereby the *macro* level emerges from *meso* level. It must be kept in mind that *the actual "web of causation"* is so immensely complex that *all explanations are selective*,³⁷⁷ regardless of whether the method is nomothetic or ideographic, inductive or deductive. My approach is *ideographic*, and combines ideographic moments with deductive ones: abduction. This approach is sensitive to specification of some possible paths, but it renders all generalisations sketchy and tentative.

³⁷⁶ Coleman: 1998, fig. 1.3 (see also Hedström and Ylikovski 2010: 59

³⁷⁷ Krieger 2004

The pragmatic analytical concept used is the loosely defined term “*practice network*”. This is a generic term, and does *not* refer to any *specific* theory of social networks. Practice networks may in practice be specified in terms of various theories.

1. Practice networks are called “adjacent action situations” in the SES framework.³⁷⁸
2. Practice networks are called “actor-networks” in the ANT approach.³⁷⁹
3. Practice networks are also a focal issue for the postmodern readings of Machiavelli.³⁸⁰

This research has led me to perceive the SES version as the most useful one, but to increase the sensitivity to the silenced phenomena that Law & Singleton refer to as “surprising forms of power”, I have supplemented it with ANT. Finally, in order to “control for” the potential bias of wishful thinking, I have used the postmodern Machiavelli. The various ways of *naming* the observed practice networks are not useful in and for themselves.

The purpose of the generic term “practice network” is its potential practical applicability. Practice networks are integral parts of a range of politically relevant phenomena, both empowering praxes, such as social capital and network governance,³⁸¹ and dis-empowering praxes such as political corruption³⁸² and network centred warfare.³⁸³ In an indigenous homeland, there may be complex policy networks, kinship networks and issue networks, all entangled, with hybrid zones between them. The networked approach empowers us to trace those phenomena that might have appeared as irrational anomalies if one assumed that state and society are two mutually exclusive, internally coherent systems. *The practical applicable point* is that observation of network practices is not only relevant to the art and science of *policy making*, but also for the art and science of *making polities*: practice networks are the pathways whereby constituent empowerment maintains or transforms constituted power.

4.4.0 Research techniques: the production line

Abductive research emerges through the mutual influence between selected coding categories (that also guide data selection), and the selected empirical data (that also guide category selection). In

³⁷⁸ McGinnis 2010; McGinnis 2011a

³⁷⁹ Latour 2004; Law & Singleton 2012

³⁸⁰ Althusser 1998; Althusser 2003; Deleuze & Guattari 1980; Delueuze 2006; Negri 2002 (1992); Negri 2006 (1981). The latter has been translated to Norwegian, as Negri 2003 (1981).

³⁸¹ Ostrom & Ahn 2003; Jordan & O'Riordan 2000

³⁸² Della Porta & Vannucci 1999

³⁸³ Weizman 2007

order to increase my sensitivity to political-economic conditions, I refer to this process as a production line. This is a material and semiotic process. I divide the process in four logic stages:

1. Input (data registration, in various media)
2. Analysis (sorting and coding of registered data)
3. Synthesis (comparison of coded data segments)
4. Output (*techne rhetorike*: composing the presentation)

At each stage, there is an abductive process taking place, a dialogue between an empirical or inductive moment, and a speculative or deductive moment.

Already at stage 1, data registration is guided by the physical limitations of the registration medium and the situation, as well as by the observer's perceptions about what is relevant as data and what is not. The dialogue between the empirical reality and the conditions of observation produce the registered data. In my case this data was in the form of photocopies or notes from historical archives, photos and notes from participant observation, audio recordings and notes from interviews, and various reports, newspapers and literature collected in the field. All those data are being “recorded” in some form or another: notes, photos, audio recordings, etc.³⁸⁴ With regard to interviews, data gathering is dialogical in a literal sense: one asks, another answers.³⁸⁵ The outcome of stage 1 was recorded data, and this was the raw material for stage 2.

Also at stage 2 there is a dialogue between data and concepts. The raw material at this stage is the «recorded» data from the previous stage: notes, photos, audio, or artifacts taken out of their original context. The analysis starts with *sorting* the recorded data according to some theoretically relevant categorization. The analysis continues with “*coding*” the recorded, sorted data, by identifying particular segments of data, and describing those with a theoretically relevant category.³⁸⁶ For my own research I sorted data on mixed media into various archive boxes, one for sub-case 1, other boxes for each geographical segment within sub-case 2, including one box for the fjord area, sub-case 3. There were also boxes for regional and transnational contexts. Field notes and interview transcripts were coded by being underlined in various colours, identifying particular text segments, and small paper tabs in the same colour at the top of the page, indicating that there was something about this topic on this page. The coding colours corresponded with specific categories in a standardized code book, but this had to be revised each time the map (theory) did not fit the terrain (data). Newspaper articles and books were coded with categories fitted to each particular text. Digital photos were sorted into digital folders. Most of the data for sub-case 1 were punched into a digital text document. The data about particular events were coded according to

³⁸⁴ Madden 2010: 117ff

³⁸⁵ Rubin & Rubin 1995:122

³⁸⁶ Coffey & Atkinson 1996

what issues were at stake, and what networks of collective actors were involved. Accordingly, it was possible to trace some possible pathways in the formation of political coalitions. The outcome of stage 2 was a *remix* of the recorded data. They were disassembled, and reassembled. For example, chronological field notes were cut up and sorted by geographical area. The outcome of stage 2 was a sorted and coded version of the recorded data, which would be the raw material for stage 3.

At stage 3, the dialogue between data and concepts was continued. The input was a set of coded, recorded data. The processing was a form of comparison, where I tried to follow each colored tab, representing a coding category, across the various segments of data that had been underlined with a coding color similar to that of the tab. For example, I found the green tab referring to the politics of everyday life, and followed this throughout all documents in all archive boxes, finding observed examples from each of the selected geographical areas within the watershed. Regarding sub-case 1, I first used the coded chronology to write a historiographical account (stage 4). I then returned to stage 3, by making a historical-sociological comparison between two emerging political block, in a series of tables that compared the two with regard to a series of theoretically relevant variables. The outcome of stage 3 was the synthesis of the empirical findings, where common denominators and patterns in the registered data could be identified. This was the raw material for stage 4.

Finally, stage 4 carried on the dialogue between data and concepts. The input was a collection of compared, coded, recorded data. Since the comparison had enabled me to identify patterns and possibly central topics, this enabled me identify some possibly relevant topics and “plots” for the narrative. Thus, the input of processed empirical information interacted with the concern for communication or rhetorical technique.

Empiricism: Those four stages constitute one production line for information processing. The data that is being recorded at stage 1 is later being coded or remixed at stage 2 and then again compared across codes at stage 3, before, in the end, the *recorded, coded, compared data* is being used at stage 4 to compose a written presentation. At each and every stage, the information input is being re-contextualized.³⁸⁷ This re-contextualized information provides input to the following stage. Through each process of de-contextualization and re-contextualization, the meaning is being slightly transformed: information is being translated from one context to another. Therefore, the *recorded, coded, compared data* is not identical with the historical documents or social interactions that were original encountered in archives or in the field. The only thing that guarantees *empirical reliability* is the continuity of the production chain whereby information is being processed. In *semiotic* terms, the continuity from one stage to the other is *indexical* signification. Index is a sign

³⁸⁷ Coffrey & Atkinson 1996: 30

that is being read as a trace of something else, like smoke may indicate fire. Thus, as with empiricism, the observation is interpreted as product of a cause, and thus, as an indicator of that cause. Thus, the production line has *indexical* moment, which is *empiricist* signification.

Conventionalism: Even if there is continuity throughout the whole production line, there are also several moments where information is being processed, and at each moment there is *selectivity* involved. Already at stage 1 some observations are being registered as data out of the total flow of perception. At stage 2, the coding selects what data should be considered as having this or that attribute. At stage 3, the comparison selects what similarities or differences across coding categories should be seen as significant. At stage 4, it is being assessed, almost as a journalist does, as to what particular plot or priorities that might constitute a good “story” for the intended public. All those *selective* choices are guided by theoretical concepts. For inductive researchers, such concepts are implicit, flexible, and free from the rigidity of specific theoretical approaches. For those who apply some research programs, for example Marxism or Parsonism, the theoretical concepts are explicit, rather rigid, but quite accountable. The abductive researcher may try to combine the flexibility of the inductive approach with the accountability of the deductive approach, thus selecting from various theoretical approaches, but being explicit about from where the concepts have been borrowed. Each of those three strategies, the inductive, the deductive, or the abductive, is different ways to try to ensure *conceptual validity* in the production chain. In *semiotic* terms, selection implies that something is considered as a part of a whole, which is called *metonymical* signification. Metonymy is when a part is used to represent the whole, for example when “the crown” is being used with reference to the administrative apparatus of a kingdom. With metonymical signification, the relation between signifier and signified is more “arbitrary”, or conventional, than it is in the case of indexical signification. Thus, the production line has a metonymical moment, which is *conventionalist* signification.

Those two functions of the production line, the empirical and the conventional, together ensure that data is being processed, and findings are being found. “To use a manufacturing phrase, I think data organization and analysis is not crunching or reducing, but 'value adding'. I like to see the process as the beginning of 'fattening up' the story”.³⁸⁸

The path from input to output is not always straightforward. Sometimes, the abductive process at stage 2 or 3 led me to find new theoretical categories to make sense of the actual data, but then I found that the data I had gathered were not sufficient, and returned to stage 1. The process has been largely separate with regard to sub-cases 1 and 2, while sub-case 2 and 3 became two different cases only during stage 4. During the process of writing, I also found that there was a need

³⁸⁸ Madden 2010: 148

for a geographical overview chapter (5.0.0), for which I decided to gather quantitative tables and maps through the internet (stage 1). Finally, after having drafted the entire thesis, I decided to turn the abductive gaze towards studying my own research process. For this final abductive process, the data (stage 1) was the drafted thesis, my notes on the research process, and the code books I had discarded. The analysis (stage 2) took place as an attempt to find relevant methodological literature that could describe what I had actually done. The synthesis (stage 3) was the process when the actual methodology, design, research technique, causal model, positive findings and negative findings were made clearly explicit. Thus, the thesis manuscript was revised (stage 4).

Only during the latter two stages, were the positive findings and negative findings from each chapter clearly formulated, because it was only at this stage that explicit definition of methodology, design, techniques and models emerged. It was also at this stage that I found it was necessary to “control for” some potential biases of my own, social-ecological explanations (and the biases of the canonical indigenous rights literature) by discussing competing, state-centric explanations (and the competing state security literature).

4.5.0 Selection of data – emerging empirical knowledge

4.5.1 The bits and pieces of data gathering

The outcome of this research is formulation of some hypotheses mechanisms, and those are formulated on the basis of specific empirical information. The selection of data, as also the selection of terms, is the result of a gradual, *abductive dialogue*, between data material and coding concepts. Guided by general concepts about participation and movements, I started data gathering with a document search at the Norwegian folk Museum. From there I ventured into new terrains, and found different data types. When the map (code book) did not fit the terrain (data material), it was the map that had to be revised. However, the revised codebook actualised the need for different data material. The most important shift was when I realised that qualitative interviews had given scant access to the “social backstage” of those terrains that were my focus of interest. As a result, I returned to do participant observation, among the seemingly mundane everyday practices of local fisher-peasants. Participation enabled closer observation of actual customary praxes and knowledge praxes. Such praxes in the present also involve conflicting oral histories about the past. The struggle for proof became evident, and local fishers expressed concern about whose data was being used to investigate whose research questions. I have asked my own questions, but I wish to return and do

further research in those terrains. That will be possible if local fisher-peasants find that my observations are relevant for their own struggle for proofs. That is how I wish to test the *relevance* of my inquiry.

4.5.2 Selection of cases

In order to trace some of the particular pathways whereby the host states in Sápmi have been transformed during the latter four decades, I have chosen to limit my research to three more particular areas and periods. The spatial and temporal scope is much more limited for each of those three indicator examples. In terms of qualitative methodology, this research design deals with one large, historical-geographical “case” study, within which three more particular “sub-cases” have been selected. The sub-cases have been selected on the basis of theoretical relevance, but not if this term is understood in purely academic terms. The selection is ultimately about public relevance for the ongoing deliberative process about rights and proofs, which is integral to the ongoing process of state transformation.

1) *Case I: the Alta-dam conflict, ca. 1970-1982*: Initially, the attention is directed to the beginning of the selected four decades, and the watershed located to the west. This case study traces the public conflict over hydroelectric development in the Alta River, between 1970 and 1982. This is largely seen as the beginning of the indigenous rights struggle in Sápmi, and a crucial event for the environmental movement in the Norwegian host state. Case I has been chosen for its *perceived historical significance*.

2) *Case II: the Laboratory Deatnu, ca. 1980-2012*: The attention then turns to the other watershed, during the preceding years. Here I have attempted to trace some long term effects of the Alta-dam conflict in its neighbouring watershed, at a local and particular level. Partly as a result of this, partly because of other historical processes, the Deatnu River has become a test area for various policies of bioregional biodiversity management. Here I map some effects of institutionalized politics for indigenous rights and environmental protection, issues that used to be more marginal during the Alta-dam conflict. Deatnu Water Area is particularly interesting in this regard because it is shared between two host states, but also located in the heart of the indigenous homeland. Case II has been chosen for its *perceived geographical significance*.

3) *Sub-case within Case II: the Deanuvuotna fishery conflict ca. 1980-2012*: Finally, the attention zooms in on a more particular geographical scale within the Dertnu Water Area, specifically on the Deatnu Fjord, where the Deatnu River empties into the Barents Sea. This particular fjord, called Deanuvuotna in the main local language, includes the home places of some

of the most vocal voices in the controversy about indigenous rights for the Coastal Sámi minority. This is one of several minorities in Sápmi, some of whom claim that they are indigenous people according to the UN-definition, while the host states (still) deny this. The Coastal Sámis are only one of several such groups, and Deatnuvuota is only one of several typical Coastal Sámi areas. This sub-case has been chosen because of its centrality within the Coastal Sámi Rebellion, but also because the Coastal Sámi of the Deatnu Water Area appear to be one of the more vulnerable subaltern classes within that watershed, and finally, because of the bias of my own education: I speak the language of the host state in this area, but not at the Finnish side of upstream area, where I met other subaltern classes. The sub-case within Case II has been chosen because of my own access, and because of its perceived *political significance*.

Table 4-2: *Selected cases: two adjacent geographical areas, two adjacent historical periods*

	Water area Alta	Water area Deatnu
Period 1970-1980	Case I	---
Period 1980-2010	---	Case II

Those cases deal with limited areas and periods *within a larger supra-case*, which were defined as two watersheds and four decades (Table 4.2):

1. The awakening of the indigenous rights movement between 1970 and 1980 is traced in relatively fine-grained detail in the Alta water area (river and fjord), but much more scarcely in the Deatnu water area.
2. By contrast, the institutionalization of indigenous rights and environmental protection from 1980 until 2012 is described in relatively fine detail in Deatnu area, but not at all in the Alta watershed. Finally, the study does zoom in on the politics of everyday life in the Deatnu Fjord, but not in the Alta Fjord.

What is being researched with regard to one watershed, *remains under-researched* with regard to the other one.

Is this selection bias? That is open for discussion. With regard to Case I and Case II the selection may be well justified by the fact that one of the cases is historically significant, the other geographically significant. Since we deal with a process of *decolonization*, geographical and historical significance is actually no less political than what political significance is. (Historical and geographical significance is just *less obviously* political.) *The cost* of the case selection still is that the study remains under-informed about the past along Deatnu and about the present along Alta. *The benefit* of the same selection is that the two cases provide different types of information with

relevance to understanding the larger historical-geographical supra-case. To my knowledge, this is a good balance of cost and benefit, because I do not know (maybe I ignore) how it would be publicly controversial. With regard to *the sub-case within Case II*, my selection may be more problematic. The various areas along the Barents Coast have very rich *bio-cultural diversity*, ecologically, linguistically, ethnically – and *politically*. By turning attention to one fjord, even some selected fjord-arms within one fjord, one may be accused of silencing the voice of subalterns inhabiting another fjord or fjord-arm. This issue will be discussed when I assess negative findings from the sub-case. In short, I cannot do a paired comparison between indigenous rights politics in Alta Fjord and Deatnu Fjord, because I have not (yet) obtained the trust that would be necessary to investigate a case where sedentary Sámi stand against nomadic Sámi, which is the case in Alta Fjord. Research is practical intervention, and getting involved in such a way before trust has been obtained would make me run the risk of serving *divide et impera*. Instead, of that comparison I have done a triangulation with the indigenous rights movement in a third fjord, Kåfjord. In that area, local subalterns have found so-called “integrating issue areas”³⁸⁹. I would rather call it *joint struggle*. The experience from Kåfjord will fuel the discussion about *negative findings* in sub-case 3.

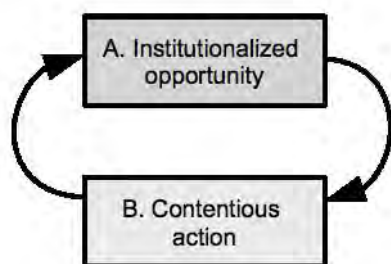


Figure 4-5: *The dynamics of contention as a cycle of constituent power and constituted power*

The figure shows mutual causation of (constituted) opportunities and (constituent) mobilisation.³⁹⁰

What do the cases indicate? Keeping the possibility of selection bias in mind, we may ask in each sub-case: what it is *a case of*, or what are they *supposed to indicate* regarding the object of study. Each sub-case has been selected because it is perceived as a significant example of various sides of the larger historical-geographical transformation. If we emphasize the historical or temporal dimension, we may define the sub-cases as examples of different historical processes. These may be classified according to a general model of social change, shown in Figure 4.4. The figure shows the interplay between action and structure. In sociology, this theme is supposedly so general that the figure can be seen as being agnostic with regard to the selection of theoretical approach. Still, it does emphasize conflict: action in the form of contention (resistance), and structure in the form of

³⁸⁹ Pedersen & Høgmo 2012

³⁹⁰ Similar models of mutual causality is found in della Porta 2013: 18-21 and della Porta 2014: 14-22

institutionalization (hegemony). As such it is supposed to be an alternative and a corrective to an already existing model describing “the dynamics of contention”.³⁹¹ That model traces dynamics between “insiders” and “outsiders” to political systems, but such a model takes the political system itself as being a constant. For research on state transformation the political system is not constant, and therefore I prefer the terms “institutionalization” and “contention” to describe the poles in the dynamics of contention. (Still, the model is theoretically agnostic.) The selected sub-cases exemplify various moments in the open-ended and unfinished dynamics of contention.

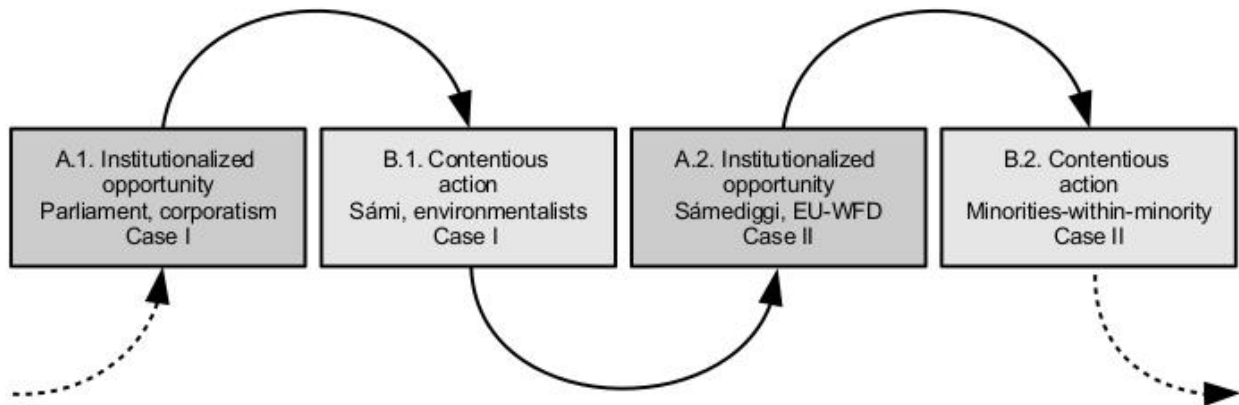


Figure 4-6: Cases I and II as indicators of the dynamics of contention in the object of study

Figure 4.6 starts in 1970, with the institutional situation and (A1), and the contention it provoked (B1). Both are exemplified with Case I, about the Alta-dam conflict. This case traces one well-known example of that dynamic, but it largely ignores how the tension was played out in the Deatnu watershed, especially at the Finnish side of the state border. The figure continues with indicating how the contention, in turn, shaped the emerging institutional situation in the 2000s (A2), and how this, in turn, shapes contemporary contentions (B2). The emergence of a new institutional situation, (the one called A2) is being exemplified in Case II. This case maps the policy process in one watershed that is relevant to demonstrate the consequences for a stateless, transnational nation, which had previously been divided under the former institutional situation (the one called A1). Still, the case largely ignores how institutionalization has taken place in the neighbouring Alta watershed, which is not divided by state boundaries, though is still located in the spatial intersection between a host state and an indigenous homeland. Finally, the contemporary contention (the one called B2) is being exemplified in the sub-case within Case II. This sub-case zooms in to explore everyday resistance and political mobilization among the Coastal Sámi in Deatnu Fjord. This may be taken as one of several examples of social groups who consider themselves indigenous, but (still) are being denied such rights by the host states. Other such groups include Eastern Sámis, Kväns and

³⁹¹ McAdam, Tarrow, Tilly 2001

Lappalainen. As mentioned above, I am aware that my choice of focus for the selected sub-case might be contested, and this issue will be handled in that case study. In sum, the selected (sub) cases are *examples* of two proceeding *institutional situations* (A1, A2), that provoked proceeding *cycles of contention* (B1, B2). This is *not to say* that A1 is the *only relevant cause* of B1, and likewise, it is *not to say* that B1 is the *only relevant cause* of A2, and so on. For the particular genealogical line that I have chosen to trace, there are also lots of exogenous factors. Also, it should be noted that the A1 situation had been formed by earlier rounds of contention, which had taken place prior to the temporal limitation chosen for my present research. Likewise, B2 is not the end of history, and will probably have some impact on future rounds of institutionalization. In another research, I have inquired the political sociology of the 500 years of colonial history that took place under the Norwegian host state before the Alta-dam conflict.³⁹² The present research has a more particular focus, specifying some of the causal paths during the latter four decades, in two watersheds. However, as all other social or ecological research on this contentious issue, mine will also be used, in some way or another, as an asset in the contentions that co-create A3, the next institutional situation.

4.5.3 Selection of data

Since the chosen research strategy is ideographic and abductive, the methods have to be sensitive to specificity (more than generality) and it has to be hypothesis-developing (rather than hypothesis-testing). Thus, the methods can be used to specify some possible causes (rather than to generalize about some probable causes). At the continuum between ideographic and nomothetical methods, I have chosen to operate close to the ideographic pole. Since I study a process of spatial political transformation, the research can be characterized as regional geography (rather than analytical geography).

Little quantitative data has been used for this research. The geographical overview chapter (5.0.0) uses some descriptive statistics to present the object of study at large. These are published data accessible via the internet. Municipal election statistics were found at Statistics Norway and Statistics Finland. Maps representing Geographical Information Systems (GIS) were accessible from UN-GRID and the EU Environmental Agency. These are credible sources, and I assume that the (quantitative) *analysis* is reliable. I therefore have proceeded directly to the (qualitative) *interpretation* of the tables and maps. It should be mentioned that I searched for relevant information in the European Social Survey, without finding anything. I ran some simple regressions

³⁹² Jensen 2013

on socio-economic data, but the number of respondents in the relevant municipalities was too small to give any significant correlations.

Much qualitative data was used for the three (sub) cases. Those are more specific than the object of study at large, and were chosen to enable increased specification of possible causal factors. For Cases I and II, I have combined *historiography* and *ethnography*, two methods that traditionally tend to be most ideographic. Historiography and ethnography have co-evolved with topography, and are therefore close to regional geography. The *justification* for this methodological choice is the need for specification, but the actual reason is that those are the methods that I am capable to using more efficiently. Throughout the research, the two methods have been blended to varying degrees, as a method of historical ethnography. The *primary sources* are archive studies, qualitative interviews, participant observation, newspaper debates, official documents, photography, and visits to collections of cultural artefacts. The *secondary sources* are much of the relevant scholarly literature on each of the threem (sub) cases; at least most of what is published in languages I can access. See Table 4.3 for a summary of the variosu forms of data sources used for this study.

Table 4-3: *Forms of data sources for this study*

Qualitative primary sources	Qualitative secondary sources	Quantitative secondary sources
archive studies qualitative interviews participant observation newspaper debates official policy documents photography museum collections of artefacts	Relevant scholarly literature (only in English or Scandinavian languages, not Northern Sámi, Southern Sámi, Eastern Sámi, Kvänish, Finnish or Russian)	Statistics Norway Statistics Finland UN-GRID European Environment Agency European Social Survey

The data was sorted and analysed in different ways for each of the empirical chapters. The different chapters use data according to the norms and habits of different disciplines. Two chapters are geographical. Two chapters are sociological. One is historical. One is anthropological. One chapter deals with political science in the traditional sense. All the disciplines belong to European political and social science at large. However, chapters that are disciplined according to different traditions use the data and present the result in slightly different ways.

Chapter 5, the *geographical introduction*, is based on interpretation of aggregate data: the GIS maps and the municipal statistics. They are interpreted in terms of landscape ecology.

Chapter 6 is the first part of Case I, and is *a social history*. Here I include much data from secondary sources, which has been accumulated through the existing historiography in the field.

However, in order to fill some gaps, I have researched some primary sources. In particular, I wished to include more *social* history. The data was sorted and presented by implicit use of sociological concepts, as is the norm in social history.³⁹³

Chapter 7 is the second part of Case I, and this is a *historical sociology*. It is based on exactly the same data as the previous chapter, but here the focus changes from description to analysis. Thus, the sociological concepts are no longer used implicitly to sort the bits of information, but explicitly, to analyse the structure and process that was contained in the historical narrative.

Chapter 8 is a *geographical bridge*, which traces some links between Case I and Case II. This is based on historical and ethnographical data, gathered for Cases I and II, but they are also combined with secondary sources regarding institutionalisation in the two states that are present in the chosen water areas.

Chapter 9 is the first part of Case I, and this is *political science* in the traditional sense. The sources are policy documents, and those are used to trace the genealogy of some specific policy processes. The data gives information about the emergence of a bioregional regime for natural resources management, even though this bio-region has been divided by the actually existing separatism: the unilateral policies of the existing uni-national states. The data is limited to formal rules, but with this strict topical limitation, it is possible to map institutions with a wide topographical scope.

Chapter 10 is the second part of Case II, and it is *political sociology*. The data includes qualitative interviews and local newspapers, combined with some observational data. This data allows the analysis to venture beyond the formal rules and the policy networks, and also include some informal rules and some issue networks. This is topically wider than Chapter 9, and therefore this chapter turns to a topographically more limited scope: the Deatnu fjord.

Chapter 11 is the third part of Case II, and this is *political anthropology*. The data includes field notes and photographs from participant observation. This data gathering technique allowed me to access social interaction in some situations at the social “back stage”. Thus I gathered some examples of the politics of everyday life. This allowed me to go beyond civil society activism that make claims *vis a vis* states. It also allowed me to discuss various issues regarding constituent praxes that maintain and develop state law and/or indigenous law in Coastal Sápmi.

This multi-disciplinary method has been fruitful. Case I is based on a combination of social history and historical sociology. In this way I seek to keep the sociological analysis informed by the challenges of the historical method, while at the same time, being explicit about what sociological

³⁹³ Burke 1993

terms that have been used to sort bits of data in the historical narrative. Case II is based on three different approaches to political fieldwork, traditionally at home in political science, political sociology and political anthropology. Each approach has its strengths and weaknesses regarding data access and analysis. Participant observation allowed me to study the politics of everyday life in more detail, but the bits of information are very selective and fragmented. Analysis of policy documents allowed me to trace the emergence of bioregional management regimes at large, but topically limited to state-certified rules. The qualitative interviews and newspaper debates typical to political sociology help identify contentious issues, but give limited access to the social “back stage”. Taken together, both Case I and Case II are based on relatively rich data. They are sewn together with two geographical chapters, one based on *myopic* qualitative data from the two case studies, another based on *panoramic* descriptive statistics from official databanks.

The selection of methods, together with the selection of indicator cases, was meant to contribute to a slight decrease in our collective ignorance regarding some particular issues of relevance to the larger historical-geographical transformation. These ideographic methods are sensitive to *specification of possible causal factors*. However, they are useless for generalization about probable causes. I pursue the path trodden by Elinor Ostrom: first, specify some possibilities ethnographically, then, test some probabilities in the lab.

4.5.4 Reproduction of colonial bias?

My intention to break with colonial biases is not enough to really do it. For each of the three sub-cases, I identify some issues that remain under-researched. This collective ignorance may be a colonial bias. I observe such biases in my own research as well as in the research of others.

I will now shortly review how biases are being reproduced in my own research, and how I attempt to partially overcome some of it.

All those data sources imply selective filtering already at the moment when they arrive to me as “primary” data. I have had better *access* to some data sources than to others, and I have judged the *relevance* of each source there and then in the act of gathering data. All collected data has been sorted and coded, what I call analysis. Thereafter, the coded segments of data have been compared in order to identify patterns, what I call synthesis. In the end the synthesized, coded data has been used to compose written presentations of the findings. Through each of those stages, there was a *selective filtering* of the *empirical input*.

The criteria for filtering were by *concepts* and *habits* that I acquired as a result of *other input* from various experiences. Examples may be the coding concepts “anti-dam coalition” and

“reciprocities”, both of which are taken from the existing literature on the same or similar cases. Another example may be my own formation, which include and exclude specific language skills and specific national historiographies.

Therefore, there is a strong degree of continuity between the existing scholarly literature in the field, and the opportunity structure I possess to make new findings in the same field. There is historical path dependency, a scholastic tradition that has been kept alive through its practical symbiosis with specific political traditions. The path dependency is the already accumulated empirical information, and the already established theoretical models, both implying an accumulation of some priorities over others. One strong but minor tendency is the established scholarship produced by the Sámi human rights movement. Another, stronger and major tendency is the reified nationalist assumptions of much Nordic social science. Some subalterns may find themselves silenced by both, for example those Coastal Sámi fjord fishers who have Kvän ethnicity and do not speak Sámi.

Such is the reproduction of colonial bias in the social sciences. This reproduction is likely to be among the unobserved determinants of selection bias in all scientific studies dealing with the Sápmi region, and my own study is no exception. However, inspired by Bourdieu (1977), I strive to observe the limitations of my own observation. This is what I have called «residual» in my own causal model. As in quantitative studies, the residual can be merely estimated, never truly measured: there is no way to measure the difference between the observed value and the unobserved, real value, because the unobserved value remains unobserved.³⁹⁴ Therefore, quantitative analysts strive to measure their own measurement error through *estimates*. I try to do a qualitative equivalent to that, and consequently, I have adapted critical realism as epistemological stance. By discussing the residuals in my model I do the qualitative equivalent of estimating measurement error.

4.6.0 Selection of coding concepts – emerging explanatory model

The hypothetical mechanisms that are the outcome of this research are formulated in specific theoretical terms. The selection of terms and of data is the result of a gradual, *abductive dialogue*, between coding concepts and data material. My first tentative data gathering for this study, at the Norwegian Folk Museum, was guided by concepts that were quite different from those I finally chose, to formulate the mechanisms. When the data I had gathered did not fit the code book, it was

³⁹⁴ Skog 1998: 130, 140, 158

the map that did not fit the terrain. Consequently, I had revised the map, not the terrain, or the code book, not the data material. However, with the revised codebook I also started to search for other kinds of observations.

Some of this abductive process has already been described in Chapter 2, as an introduction to the practical background for the thesis. Constituent power is a phenomenon where art and science, practice and theory are closely integrated. Chapter 2 presents my actual reasons why I ended up with combining concepts and methods from three particular approaches: the SES framework, the ANT approach, and a moderate dosage of the postmodern Machiavelli. To make this particular combination researchable, Chapter 3 specified them in geographical and praxiological terms. That was actually how I adapted the approaches when out in the field: geography and praxis came first, the concepts and methods later. The process resulted in an emerging theoretical approach. A synthesized version is included in the conclusory chapter.

4.7.0 Main findings

4.7.1 From generalizability to transferability

This study has, strictly speaking, *no* “universe of generality” at all, to again use a term from probabilistic methodology. Such a qualitative study says *nothing* about *probability*, but it probably says *something* about *possibility*.

For a quantitative causal analysis, the universe of generality would be the particular, spatially and temporally bounded population of units from where a statistically representative sample of units had been drawn. For qualitative, historiographical narratives, a universe of generalization may be a specific instance of something taking place.³⁹⁵ In the former case, one may have not falsified that all swans of the population probably are white; in the latter case, one may verify that a black swan is possible. The presence of a black swan was proven when Steinar Pedersen found documentation *at least in some* areas and periods, the word “Colonie” was used explicitly in the administration of Sápmi.³⁹⁶ Such black swans do not exist in my dissertation. The design has given the opportunity to *specify some possible causal factors*. For me, it is probable that each particular observation is rather reliable, but that does not imply anything about the relative weight of each causal variable. The particular *bits and pieces of data* are not selected according to

³⁹⁵ Hellevik 1991:48

³⁹⁶ That is, at least in Finnmark County, and at least from the 1820s and for an undefined period, see: Pedersen 1999

probabilistic procedures. Therefore, the data cannot be used to generalize about anything. Strictly speaking, we cannot even generalize within the three selected sub-cases. Data from historical archives provide information about specific junctures in specific causal processes – but other parts of the actual web of causation remain hidden in obscurity. Data from participant observation provide a few samples from actual everyday resistance – but there is no way of knowing how typical they are, neither is there any way to delimitate the population they may or may not be typical of. (Such issues may be equally problematic for biological fieldworks as for anthropological fieldworks.)

When Ostrom states that “(s)tudying the dynamics of SESs is a mayor priority for future work”, she also suggests that this should be done at *multiple temporal and spatial scales*.³⁹⁷ This is relevant for the object of my study. State transformation in the two watersheds Alta and Deatnu during the four decades 1970-2010 is actually a result of many causal chains, effective at various spatial scales and in various temporal speeds. Therefore, the way forward may be to supplement historical ethnography with a blend of spatial analysis and quantitative history. That would be methodologically challenging, and include both time series and cluster sampling. So far, that is far too ambitious, even with to the two selected watersheds during the four selected decades.

The present study specifies assorted possibilities for action (positive findings) and assorted limitations to knowledge (negative findings). Unlike the “hard” scientist, I have not analyzed any universe of generalization, but like the early modern natural historian I have collected a curiosa cabinet of exceptional wonders, in order to expand what we acknowledge as possible. Those findings could potentially be further investigated in future expeditions. Maybe some lone outfield practitioner might wish to venture into the plains to further develop some of the hypotheses here suggested. Maybe some indigenous rights institution might wish to do a nomothetical study about the probability or prevalence of some selected causal factors.

There may very well be *replicability* or *transferability*, even if there is no generalizability, and this is crucial. For ethnographic fieldwork, the ultimate test of internal validity is if the findings can be replicated by others doing participant observation in the same field. For historiographic narratives, other historians working on the same documents may find another explanation. In either case, the test is rather limited, and may remain bounded by the disciplinary tradition, with all its biases. However, that is no different from causal analysis, where the explanatory model is deduced, nor from inductive, quantitative grounded theory, where the data have been selected beforehand.

³⁹⁷ Potete, Janssen & Ostrom 2010: 244

4.7.2 Summary of the findings

The negative findings on possible measurement biases may be interesting in themselves, because they suggest what might be some of our collective biases yet to be overcome.

The positive findings on possible causal factors (table 4.7), however, are not interesting in themselves, because they *should not be interpreted in isolation from the negative findings*.

Causal analysis should not be interpreted in isolation from the estimation of measurement errors. The same is the case for specification of possible causal factors and possible biases.

Table 4-4: *The mechanisms discussed in this study*

	<i>Mechanisms from empirical chapters</i>	<i>Mechanisms from theoretical discussion</i>
Macro: structure	1. <i>Ecological adaptation of state</i> 2. <i>Maintaining parallel order</i>	I. <i>Geo-strategical fortunes (stabilized Fortuna)</i>
Meso: praxis nets	3. <i>Ambiguous adaptations</i> 4. <i>Struggle to define present hegemony</i> 5. <i>Struggle for future agenda-setting</i> 6. <i>Resources decide *</i>	II. <i>Asymmetrical interactive (de)escalation</i> III. <i>Diplomatic face saving</i> IV. <i>Strategical securitisation *</i>
Micro: action	7. <i>Mobilize resources and frames</i>	V. <i>Realize the potentials (creative Virtù)</i>

*) Note: these two mechanisms need special caution and care from transformative movements

5.0.0 GEOGRAPHICAL OVERVIEW: WATER AREAS ALTA AND DEATNU

5.1.0 Chapter introduction

This is the first empirical chapter in this inquiry of state transformation in the Hight North. Here I will interpret aggregate data that indicate some general features of this historical-geographical process at large. This first chapter zooms out, giving an overview in low resolution. The following empirical chapters will zoom in, to trace some particular causal links in high resolution. This first chapter presents the general landscape geography of the selected cases. It operates at the level of social-ecological systems in the SES framework. Consequently, the actual *constituted order* is being mapped in terms of social-ecological systems or landscape geography. The other empirical chapters will deal with the specific pathways of collective action within the selected cases. They will turn to the level of particular action situations in the SES framework. They trace some actual *constituent praxes* in the form of socio-material knowledge praxes and customary praxes as constituent practices. Thus the other empirical chapters will zoom in the focus on some of the particular nuts and bolts that constitute the more general process dealt with in the present chapter. After all the empirical chapters, in the final theoretical discussion, I will leave this explanatory framework, and discuss the relative usefulness of a competing theory. There I will discuss macro process and micro mechanisms in terms of clear-cut state-centered “realism”. In that chapter I will map some aspects of the *constituted order* that the present chapter looks away from: military history and geostrategical theatres. There I will also discuss some explanatory mechanisms of *constituent praxes* as coercive force, which I have not taken into account in my empirical chapters. That final discussion is intended to “control for” the potential bias of wishful thinking in this first empirical chapter. However, this first empirical chapter is meant to demonstrate that landscape ecology does matter, and the other empirical chapters are meant to demonstrate that cooperative action does matter, and together they are meant to refute reductionistic misuse of state-centered realism.

The present chapter is empirical, even though it merely sketches an overview at low resolution. It also makes use of implicit causal models that have guided the selection of data. For historical geography, as also for history or causal analysis, all *selection of data* has to be guided

by some *theoretical interest*,³⁹⁸ which in turn, is guided by *practical use values*.³⁹⁹

The empirical basis for this chapter is very basic interpretation of GIS (geographical information systems), visually represented in maps, and combined with very basic descriptive statistics about municipal election results. This data is freely accessible on the internet. The use of election statistics is inspired by the tradition of comparative electoral research, which was funded by Rokkan's early work. I have also tried to use socio-economic data, from the European Social Survey, about the municipalities that are formally defined as the Sámi administrative area, but the respondents in those municipalities were too few to give any significant correlations. The maps give visual representations spatial data, thus they are a form of geographical information systems (GIS). The maps were selected intuitively, as a seemingly inductive exploration of descriptive statistics. In fact, however, my selection was guided by habits I had learned (*habitus*) from previous work on landscape geography.⁴⁰⁰ I selected data of relevance to resource geography and cultural geography; two main directions in the landscape geography tradition.⁴⁰¹ The maps are products of systematic data gathering and analysis, and the maps all come from trustworthy sources, mostly from UN-GRID. My own use of the GIS data is very simple: I assumed that the (quantitative) analysis was reliable, and I proceeded directly to the (qualitative) interpretation. In addition to register data in the form of GIS and election results, I also tried to ascertain whether the European Social Survey indicate anything about socio-economic conditions. However, the number of respondents in the selected municipalities was too small to give significant results. Also, it would have been difficult to measure actual socio-economic conditions in an area where many people rely on a component of subsistence economy and traditional reciprocity systems. Some might miss socio-cultural data about the relative number of indigenous and non-indigenous citizens in the area, but this is even more difficult to measure. When most people have more or less mixed ethnic and cultural belongings, then subjective or situational factors will easily determine who present themselves as indigenous or not.⁴⁰² The fishery researcher Einar Eithorsson has used registered voters in the Sámi parliament as an indicator, and he also discusses the limitations and validity problems with this indicator.⁴⁰³

At the end of the day, all *selection of data* about macro conditions has to be guided by *theoretical interest*, which in turn, is guided by *practical use values*. This is the case for my unsuccessful attempt to measure socio-economic and socio-ecological variables, as well as my more successful discussion of local electoral preferences, and indeed the GIS-overview over particular environmental conditions. Even when I thought I worked inductively, the choices were guided by

³⁹⁸ Carr 1987 (1961); Holt-Jensen 2006:31

³⁹⁹ Klemsdal 2000; Carr 1987 (1961): Appendix: "Notes towards a second edition of What is History?"

⁴⁰⁰ Jensen 2002

⁴⁰¹ Holt-Jensen 2007:82

⁴⁰² Eriksen 2010

⁴⁰³ Eyþórsson 2008: Chpt. 1 (see in particular Tables 1 and 2 at pp. 21 and 23)

habitually learned preferences for particular aspects of the geographical environment. In retrospect, I realized that my selection of GIS sources was informed by my earlier formation. In particular, I had been more interested in landscape geography than in other forms of geographical information. The most conspicuous omission may be the lack of information about geo-strategical theatres. My panorama highlights some particular features of the geographical environment, but not others. The features that are highlighted are those of particular direct relevance to the indigenous human rights movement and other environmental justice movements. There is, for example, an affinity between my own empirical orientation and that of the Sámi Rights Commission: in both cases, traditional use of natural resources is highlighted. In retrospect I have found a similar orientation in Elinor Ostrom's research, and consequently, I have adapted her SES framework as an explanatory model. Landscape geography is a way to observe the “social-ecological systems” and its various components. What Ostrom calls “resource system” corresponds with resource geography. What she calls “governance system” includes *both informal and formal rules*, and therefore it includes both cultural geography as well as the geography of state formation. What I attempt to explain is state transformation. Thus, the phenomena that I define as Explanandum are only some of the phenomena that Ostrom defines as governance system, which, in turn, is only one component of the social-ecological system. In this chapter, I try to explain state transformation, which can be defined as “changes in the *formal rules* within the governance system of a socio-ecological system”. Those changes are traced at a general macro-level, as the preliminary outcome of progressive or evolutionary adaptation to the state's environment within the socio-ecological system. Since I have defined the analytical system boundaries in a way that delimited the *formal rules*, as Explanandum, all the other components of the socio-ecological system appear as the environment of the defined system. This environment then consists of the following two components: *cultural geography*, which refers to the *informal rules* of the *actual governance system*, and *resource geography*, which refers to the *resource system*.

Whether or not it is epistemologically valid or pragmatically beneficial to apply a causal model of gradual, progressive adaptation at a macro-level, is no easy question. Such causal models are used in progressivist ideologies of reform, but also in colonialist ideologies of superiority. The indigenous peoples of Sápmi have had enough of developmental thinking being misused to justify racial suppression and colonial resource grabbing. At the end of the present chapter I will discuss the limitations of the evolutionary causal model that is implicit in the present chapter.

Whether or not it is valid or beneficial to limit the historical-geographical explanation to resource geography and cultural geography, and particularly whether it is valid or beneficial to ignore military history and geo-strategical theatres, is also not an easy question. The benefit with my chosen perspective is that it shows an *actual constituted order* as not merely a state formation.

The state also co-exists with ecological and cultural formations whose dynamic is only in part determined by the dynamics of state formation. Consequently, the actual *constituted praxes* are also much more than only coercive force; they also include knowledge praxes and customary praxes, which are embedded in the practical use of natural resources. These are the causal pathways that will be roughly sketched in the geographical overview chapter, and thereby specified in each of the other empirical chapters. Such perspectives have already proven useful for movements that advocate environmental justice, particularly in the official reports from the Norwegian Sámi Rights Commission. However, the movements not only need to identify possibilities for action. They also need to identify strategical limitations. In order to avoid the potential bias of wishful thinking, the final theoretical discussion will address coercive power as another pathway whereby constituted and constituent power may function.

5.2.0 Cases: the Alta and Deatnu water systems

5.2.1 The two cases and their relevance

Alta and Deatnu are two grand rivers in the sub-Arctic fringe of the Nordic region. Both rivers are the sites of rich biological and bio-cultural diversity. Their natural and cultural heritage has become protected by international treaties, and both rivers are symbolic for the ongoing geopolitical transformation in the region. *Alta River* is primarily known as the site of the Alta-dam conflict between 1970 and 1982. This period of eventful protest was instrumental in efforts directed towards implementation of environmental protection and indigenous rights.⁴⁰⁴ *Deatnu River* is a relevant place to investigate the contemporary consequences of those political reforms. It is a border river between Finland and Norway, and attracts sports anglers from all over these states. However, Deatnu also is the site of traditional Sámi and Kvän fisheries, as it runs through the heart land of the Sápmi homeland, and has a considerable minority of Kväns. The *Deatnu River* is interesting as a *geographic case*. It demonstrates actual ecological and cultural systems that were divided by a state border, and therefore actual socio-ecologic complexity between two polities. However, the case also shows how the existing policies and polities are being transformed in relation to the actual socio-ecological complexity. The *Alta River* is interesting as a *historical case*. I present a particularly

⁴⁰⁴ Dalland 1997: 41-42



Figure 5-1: Topography of two river regions: Alta and Deatnu river areas

Alta River (red) and Deatnu River (blue) with main tributaries. The river basins Alta and Deatnu consist of all waters that drain into each of the main rivers. The boundaries of the two water areas are not shown here.⁴⁰⁵

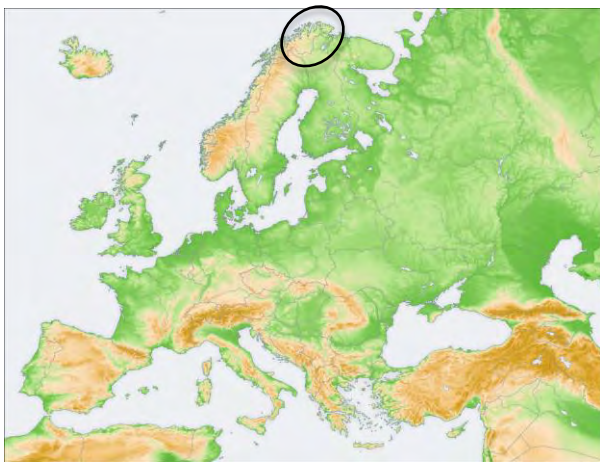


Figure 5-2: Topographical contexts: the European Area and the Circumpolar Arctic Area

Left: Topographic map of the Western part of the Eurasian landmass. Alta and Deatnu Rivers are found close to the middle of the upper edge of the map at the northern fringe of the Scandinavian Peninsula, and the Baltic Shield (see the black circle).⁴⁰⁶

Right: Topographic map of the Arctic Ocean. The Scandinavian Peninsula and the Baltic Shield – with Alta and Deatnu Rivers – are located close to the middle of the bottom edge of the map.⁴⁰⁷

⁴⁰⁵ Self-made map based on topographic map from Wikimedia, in the public domain (usage is free).

⁴⁰⁶ Map source: map of Europe, Wikimedia, retrieved February 2013, in the public domain (usage is free)

⁴⁰⁷ Artist: Hugo Ahlenius © UNEP/GRID Arendal 2006. http://www.grida.no/graphicslib/detail/arctic-conservation-area-caff-topographic-map_e781 (accessed 09.04.2015)

eventful period and place in the process of geopolitical transformation. Together, those two cases show some particular socio-ecological causes and consequences of one particular geopolitical transformation.⁴⁰⁸

5.2.2 Alta and Deatnu Water Areas, a social-ecological overview

The Rivers Deatnu and Alta could be iconic of transformations in political geography because of their specific bio-geographical and cultural-geographical features. Both include ecological habitats of migrating wild salmon. Both include subsistence livelihoods of the Sámi cultural area. Those are natural and cultural heritages that have become protected by international treaties on the protection of biological diversity and indigenous self-determination. As those treaties become ratified by states, the states recognize an actual jurisdictional pluralism. Thus, the actual bio-geographical and cultural-geographical complexities produce actual jurisdictional complexity. Therefore, a geographic introduction to the case studies is useful. Let us begin as geographers have traditionally done, first describing “abiotic” factors (landform, hydrology, geology), then the “biotic” factors (biology, ecology) and finally the “human” factors (economy, culture, politics). After having introduced those, we will problematise the co-evolution of nature and culture, and introduce the phenomenon of bio-cultural diversity.

5.2.3 Resource geography (resource systems)

Physio-geographically, Alta and Deatnu Rivers are both located in an area with sub-arctic climate, located north of the Scandinavian Peninsula and west of the Baltic Peninsula. They are both at the northern side of the watershed between the Arctic Ocean basin in the north and the Baltic Sea basin in the south. Alta and Deatnu Rivers run from the south towards the north. The two river systems gather most of the water from a rather wide, flat inland area known as the Finnmark Plateau. The plateau has many tiny lakes and streams. With all its marshlands and snow, land and water are not kept quite separate in the Finnmark Plateau. Through the river systems, water is drained towards the

⁴⁰⁸ The main *spatial unit* of focus in this study is the *river basin*, also called a *river area* or the *watershed* of that river. The river basins Alta and Deatnu consist of all waters that drain into each of these two main rivers, including tributary rivers, streams, lakes and groundwater. Both river systems empty into deep fjords with salt water, called Alta Fjord and Deatnu Fjord. The *fjords basins* include several smaller rivers and streams that empty directly into each fjord. The fjords open into the Barents Sea basin, which is part of the Arctic Ocean basin.

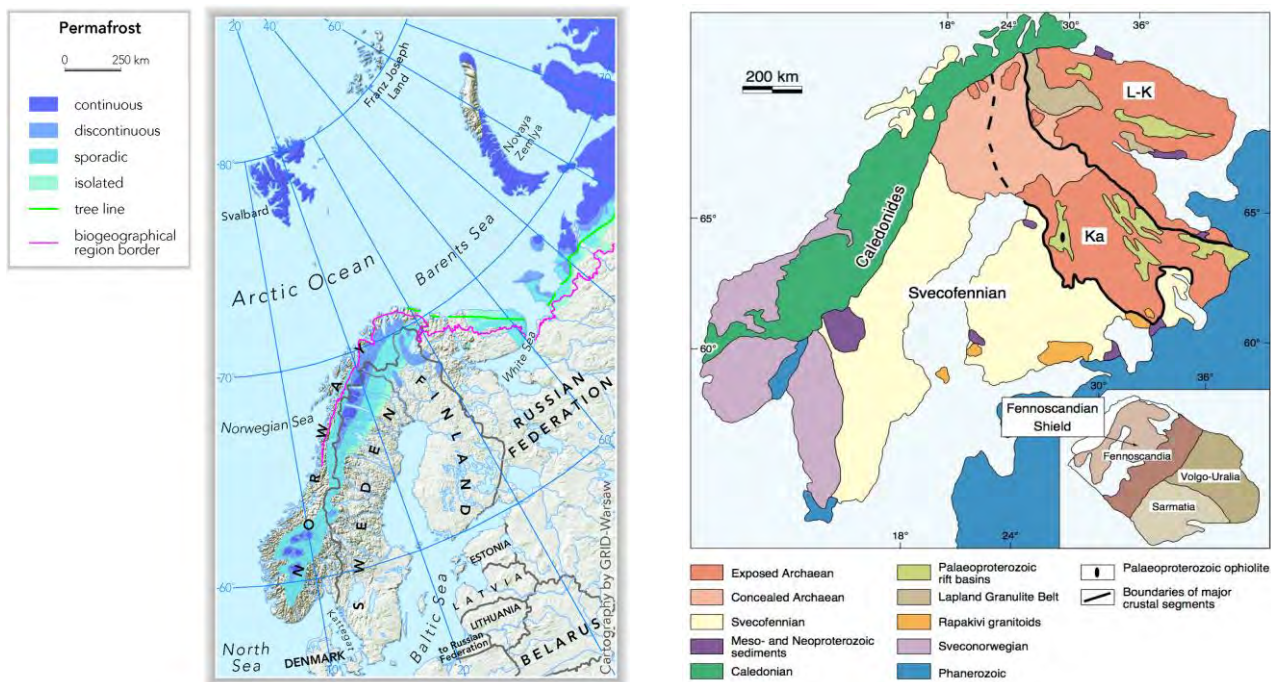


Figure 5-3: Physical geography

Left: Permafrost in the Barents area. Rivers Alta and Deatnu have discontinuous and sporadic permafrost (light blue and turquoise). The boundary of the Arctic climate zone (purple line) is defined so that it includes the coastline and the outer part of the Alta and Deatnu Fjords. Most of the Alta and Deatnu water areas have sub-arctic climate.⁴⁰⁹

Right: Geology of the Baltic Shield. Green area is the Caledonic Mountain Range. Red and crimson areas are ancient bedrock.⁴¹⁰

northern coastline, into relatively deeper valleys between relatively higher mountains. As the water runs towards the Finnmark Coast, land and water are being more clearly separated, with deep fjords and canyons between small mountains. Alta and Deatnu Rivers empty into the Alta and Deatnu Fjords. These are deep fjords, with small communities and towns protected by mountains. Outside the fjords, the coastline opens directly out into the ice-cold Barents Sea, which is a part of the Arctic Ocean. Geomorphologically, the small mountains along the Finnmark Coast are the northern tip the Caledonian Mountain Range, which starts in Scotland and runs through the western side of the Scandinavian Peninsula. These are geologically old and stable mountains. The inland and upstream Finnmark Plateau rests directly on the bedrock itself, which is older. Compared to the geological age of the inland plateau and the coastal mountains, the rivers are modern inventions. They are products of ice melting at the end of the last ice age, 10.000 years ago. The ice melting has left many eskers along the lower Deatnu River, and a majestic canyon around the Alta River. The area has limited potential for *hydropower* production, compared to the steeper terrains further south in the Scandinavian Peninsula. But the northern part of the Baltic Shield contains rich mineral

⁴⁰⁹ Artist: UNEP GRID Warsaw © European Environment Agency (EEA). Retrieved: <http://www.eea.europa.eu/data-and-maps/figures/permafrost-and-tree-line>, 09.06.2015. Re-use policy: <http://www.eea.europa.eu/legal/copyright>.

⁴¹⁰ Map source: © Uppsala universitet: www.geofys.uu.se/eprobe/Projects/svekal/Svekalap.htm, retrieved Febr. 2013.

resources, and the seabed in the Barents Ocean contains rich oil and gas reserves. These are geological resources which play an active role in economy and politics of the area in which Alta and Deatnu Rivers are located. The accumulation of scientific knowledge of physio-geography in the area is driven by practical needs to utilize the resources. During the Alta-dam conflict, the state-employed engineers were accused of analysing abiotic and financial facts in isolation from the “softer” data about biogeography and cultural geography. The practices have changed since then. In the contemporary controversies about the Deatnu River, the technocracy has become more holistic, including both abiotic and biotic factors. Still it is debatable whether they ignore the socio-ecological interaction between nature geography and human geography. If physio-geographical knowledge production is seen in isolation from those interactions, it is not in itself contested. Some research climatologists assess the impact of climate change on precipitation and snowmelt.⁴¹¹ Local people in favour of the oil industry tend to be climate skeptics, but that debate is outside the scope of the present study.

Bio-geographically, the rivers systems Alta and Deatnu are reservoirs of rich biodiversity. We will now focus on the issue that receives most attention: Both river systems include many natural mating grounds for wild Atlantic Salmon (*Salmo Salar*). It is a migrating species of salmoids, with a peculiar life cycle. After spending their first years in running freshwater, they then follow the river to the ocean. They then may spend several winters migrating throughout the ocean, before they return to mate at the same place where they started their life: the same river, the same side stream. Therefore, large river systems may contain several distinct stocks of salmon, each of them adapted to the specific environmental features in the specific side-stream where they mate. The Alta and especially The Deatnu are large river systems. They contain many stocks of wild Atlantic Salmon, and several other salmonid fishes as well. This makes Alta and Deatnu comparable to the largest river systems at the Kola Peninsula. These large rivers receive international attention from the international epistemic community on salmon biology. During the time of the Alta-dam controversy, this epistemic community was in opposition to state technocrats. Today, many salmon biologists have been employed by the states, and their international epistemic community is organized in bodies such as NASCO, the North Atlantic Salmon Conservation Organization. There has been some tension between competing sets of state-certified salmon biologists, from the Norwegian Ministry of the Environment and the Finnish Ministry of Forestry, but some of those issues appear to have been sorted out through scientific deliberation and quality proofing.⁴¹²

⁴¹¹ Dankers & Christensen 2005

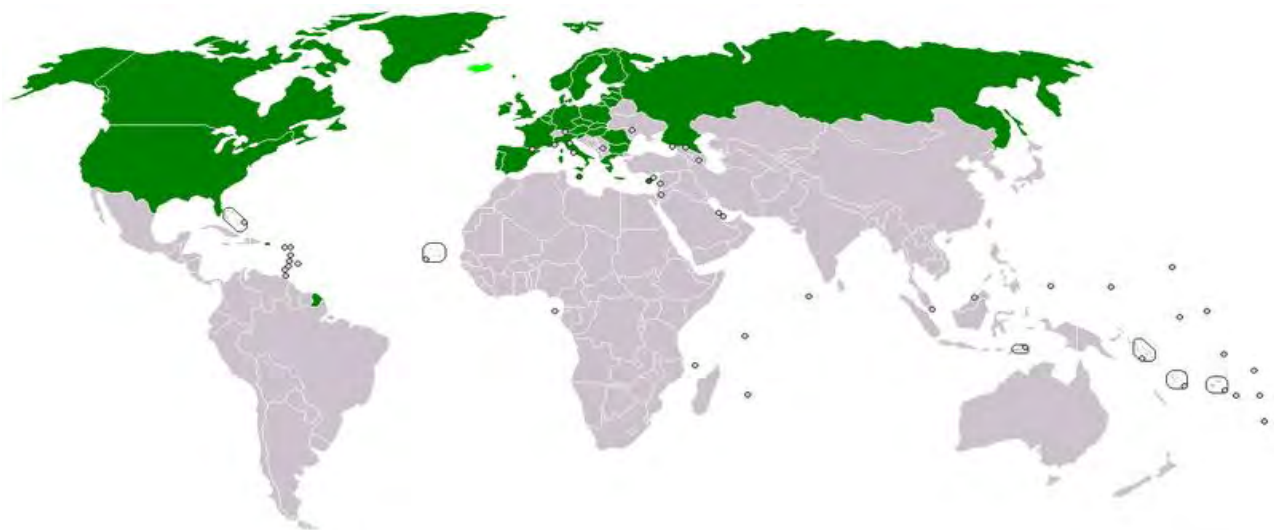
⁴¹² Ween in prep.



Figure 5-4: Bio-geography

Upper map: The natural habitat of wild Atlantic Salmon (*Salmo Salar*)⁴¹³

Lower map: Partner states in NASCO (North Atlantic Salmon Conversation Organization)⁴¹⁴



With statistical uncertainty of the size of the salmon stock, Norwegian policy makers pushed for strict regulation, prioritizing ecological concerns, while Finnish policy makers pushed to protect angling culture, prioritizing socio-economic concerns. A relevant context is that this border river has more importance for Finnish anglers than for the Norwegian ones. According to the NASCO classification, Norway has 480 salmon rivers, while Finland has two.⁴¹⁵ The tension led to funding for biological research, and resulted in better biological data and more precise regulations (or less unreliable data and less arbitrary regulations). Thus, the biogeographical research questions, quality proofing, and accumulation of knowledge is co-determined by contextual human factors. Interests that were institutionalized in the Norwegian and Finnish nation-states had much impact on the priorities. However, the interests that are institutionalized in the Sámi Parliaments of those states

⁴¹³ Map source: Wikimedia (Wikipedia: "Atlantic Salmon", retrieved February 2013), © in the public domain (free to use).

⁴¹⁴ Map source: Wikimedia: (Wikipedia: "NASCO", retrieved February 2013), © in the public domain (free to use).

⁴¹⁵ Source: NASCO river database <http://www.nasco.int/RiversDatabase.aspx> retrieved February 2013

had fewer resources to influence the priorities of biogeographical research. The latter are concerned about various subsistence practices, defined as the natural basis of traditional indigenous culture. These livelihoods are protected under international human rights law, while the salmon habitat is protected under international environmental treaties. Sámi organizations accuse the eco-tehnocrats of weak holistic analysis of the co-evolution of nature and culture, including the role of traditional skills, lore and norms for the sustainable use of natural resources. What is contested is not bio-scientific knowledge per se, but human factors that determine research priorities and the usage of knowledge.

5.2.4 Cultural geography (governance system, informal component)

The river systems Alta and Deatnu are livelihoods for unique cultural diversity, like they also are reservoirs of unique biodiversity. Since before recorded history, the indigenous people of this area have developed livelihood practices that were fitted to the specific ecological environments. The Alta and Deatnu Rivers connect some cultural areas along the Barents coast, with other cultural areas at the inland plateau. These two rivers drain most of the waters from the plateau. This plateau is a core area for traditional Sámi culture, and has been so since time longstanding. The coastline, by contrast, is experiencing a cultural revival for indigenous culture, after having been virtually totally assimilated into the official culture of the nation state. *Alta River* connects cultural areas that are often referred to as clearly distinct and relatively homogeneous. In downstream areas there is a virtual hegemony of standardized Norwegian culture. In and around the town Alta most locals are descendants of “norwegianized” Sámis or immigrants from Norwegian core areas. In upstream areas, by contrast, there is a virtual hegemony of standardized Sámi culture. In the local centre Guovdageaidnu (Kautokeino), there are some relatively prosperous reindeer owning families. Ever since the 19th century, reindeer nomadism was the icon of Sámi-ness, like mountain farmers were icons of Norwegian-ness, and forest life was iconic of Finnish-ness. During the time of the Alta-dam controversy, indigenous rights activists in upstream areas joined forces with environmentalists in downstream areas. Coastal Sámi tended to support the pro-dam bloc, but at the same time they started a less publicly known ethnic mobilization for pro-poor economic development along the coast.⁴¹⁶ During the previous century, Sámi culture and ethnicity had been made into a social stigma, but after the Alta-dam struggle it gradually turned into a political marker. During my fieldwork this issue was still highly contested, especially because Coastal Sámi culture fits badly

⁴¹⁶ Eyþórsson 2008: Chpt. 7

with the collective imagination of standardized Sámi and Norwegian cultures. Most families are ethnically mixed, and many individuals have ambiguous ethnic belonging. The mix includes a considerable minority of Kväns, who constitute an ethnic minority in relation to both Sápmis and Norwegians. In the Alta watershed, with its relatively standardized cultural areas, such cultural hybridization might appear as anomalies. When we turn the attention to *Deatnu River* the diversity of local indigenous culture is so evident that it cannot be overlooked. Upstream Deatnu has some relatively prosperous reindeer owning families, and the Deatnu Fjord has some communities with strong and vital Coastal Sámi culture. However, in the Deatnu watershed there is also a vital “River Sámi” culture.⁴¹⁷ Each of these cultural forms is sustained through the maintenance of specific cultural praxes, or “traditions”: specific forms of collectively used tools, norms, and lores. Local historians have documented that the River Sámi culture as we now know it is a product of cultural exchange.⁴¹⁸ Sámi hunter-gatherers adopted agricultural praxes from Kvän immigrants, while the Kvän became assimilated into the North Sámi language environment. The tendency towards a sedentary life was amplified by targeted legislation from the government “Norwegian” side of the river. At the “Finnish” side of the river, the government would enact laws on private property, motivated by a similar agriculturalist ideology.⁴¹⁹ More ancient norms of collective kin-group ownership would survive in actual use and popular perception.⁴²⁰ The river Sámi culture is highly diverse, after centuries of intermarriage with Kvän and Finnish peasants, and tense interactions with the state-building political class in Finland and Norway. The River Sámi ways of life maintain a local bio-cultural diversity that seems to be specific to Deatnu River. This is because the specific cultural forms that constitute River Sámi culture seem to be virtually extinct in the other rivers of the Barents Coast, apart from some few cultural traits along Neiden and Pasvik Rivers. If we compare upstream *Deatnu* to upstream *Alta*, the former is influenced by a history of Finnish and North-West Russian multicultural policies, while the latter is shaped by another history of Swedish and Norwegian eugenic policies. In the Scandinavian Peninsula, reindeer husbandry became ethnically purified as a result of Norwegian assimilation and Swedish segregation.⁴²¹ At the Kola Peninsula and its surroundings, there are reindeer herding families of many ethnicities. In those areas, cultural complexity is high.

Knowledge of cultural geography has become highly politicized. One reason is that local states have ratified some international laws on indigenous rights, implying that the states are obliged to protect the preservation and development of indigenous culture. Another reason is that

⁴¹⁷ Solbakk 2007a

⁴¹⁸ Solbakk 2007a

⁴¹⁹ Burgess 1996

⁴²⁰ Korpijaakko 1985a; Korpijaakko 1985b

⁴²¹ Jensen 2013

the states became parliamentary democracies by nation builders who used specific ethnic and cultural as political markers to constitute a *demos*. In most places in the Sápmi area, cultural pluralism is so high that it cannot be silenced by efforts to maintain virtual cultural standardization and virtual cultural boundaries. As anthropologists have pointed out since the 1970s: ethnic boundaries are symbolically made and maintained. Thus, many individuals belonging to several ethnic groups, and there are no agreed-upon criteria to distinguish clearly between an in-group and an out-group.⁴²² This might be politically challenging, not so much for indigenous peoples as for those who are nostalgic about “methodological nationalism” as a mode of research and policy making. As a matter of fact, the ideology of a homogeneous and bounded *demos* cannot be maintained in the Nordic countries without continuous silencing and suppressing the actual overlaps and complexities between those cultural forms that were ascribed the role of “official” national culture and those cultural forms that were ascribed the role of “anomalies” in that ideology. The Sámi culture in Guovdageaidnu (Kautokeino) is the most well-known cultural area that was suppressed, because it is relatively homogeneous and divided by state boundaries. However, the pluralities of indigenous culture in Sápmi show even richer cultural complexity. The Sámi *demos* is one that overlaps with the *demoi* of the nation-states, and also with the even more marginalized *demos* of the Kvän people. The Nordic area is *de facto* one of overlapping *demoi*, as also the European community after minority rights.⁴²³ Sámi culture is a challenge to the “island-conception” of culture.⁴²⁴ One form of that ideology is the “methodological nationalism” used as a model to write national histories. Another form of that ideology is the model of static cultural systems, used to describe colonized areas. During the Alta dam conflict, those models were hegemonic in the social sciences of the region. So-called “Lappologists”, mass media and schoolbooks portrayed Sámi culture as static, while modernization was portrayed as non-Sámi.⁴²⁵ “The Norwegian historical school” by contrast, portrayed Norwegian culture as dynamic, progressive, and driven by a mystical *Volksgeist*. A similar pattern existed in exhibition praxes at the Norwegian Folk Museum, where “traditional” agricultural culture was classified geographically (synchronically) while “modern” urban culture was classified in epochs (diachronically).⁴²⁶ Though those models were still hegemonic during the Alta dam conflict, paradigmatic change was underway. The most empirical researchers of Sámi culture registered that social change had been a component of traditional Sámi

⁴²² Eriksen 2010b

⁴²³ McGarry & Keating 2006

⁴²⁴ See Eriksen 1993 for a general critique of the “island-conception” of culture.

⁴²⁵ Eypórsson 2008: see pp. 27-42 regarding “Lappology”, modernization and assimilation; but see also see Gjessing (1954) for a very early example of a work which *broke* with “Lappology”, by treating the Sámi as a people *with* its own history.

⁴²⁶ Source Participant observation at the Norwegian Folk Museum 1999-2003: in the old city culture exhibition (no longer in use) and the vernacular open air collection.

culture (diachrony).⁴²⁷ Thus, Sámi culture was no longer labelled with the colonial framing “people without history” (synchrony).⁴²⁸ During my fieldwork in the Deatnu watershed, much knowledge has been accumulated since the *lappology*, and thus, the less colonialist models have become hegemonic. Anthropologists take interest in social change, cultural exchange and hybrid modernities as integral to Sámi cultural tradition.⁴²⁹ They also subject “modern” institutions to ethnographic inquiry, including bio-science, bureaucracy, marketing, and the ongoing re-building of the Norwegian nation.⁴³⁰ Still, old myths on tradition and modernity still circulate in public debate, and in some “expert” reports written by non-anthropologists hired by bureaucracies that are skeptical of Sámi rights. Colonial heritage is reproduced as bias that remains to be beaten, within the sciences themselves. Some such biases were discussed in Chapter 2. The discussion will continue in Chapter 12. Those colonial models have been falsified a generation ago, but their use is still funded by political interests. This political struggle is one between those who dream of restoring a utopia of a unified and bonded *demos*, and those who want to adjust to actual cultural complexity and ecological complexity by maintaining overlapping *demoi*. With the gradual decolonization of international law, the ICESCR §1 now demands that the four states in Sápmi end their unilateral approach to longstanding customary laws in the indigenous territory, and, that they sort out *both* state-sovereignty *and* indigenous self-determination in Sápmi instead.

⁴²⁷ Gjessing 1954

⁴²⁸ See Wolf 2010 (1982) for a critique of the ideology which said that some peoples were “without history”.

⁴²⁹ Kramvig 2005; Bjerkeli & Thuen 1999

⁴³⁰ Ween in prep.; Lien 1997; Lien & Law 2011; Eriksen & Næss 2011

5.2.5 Political geography (governance system, formal component)

In the Alta and Deatnu valleys, natural resources are the main economic assets, and subsistence practices have strong cultural and political significance. Political controversies in those watersheds mostly deal with the management of natural resources. This political game not only deals with *policy making* but also with *making polities*. The following is a political geography of the river systems Alta and Deatnu. For the moment I will leave aside the refined interactions of nature and culture that can be traced with a *science studies* approach. Instead I will resort to the simpler interactions of nature and culture that can be mapped when *resource geography* is taken into consideration.

Political-economic geography: Since political borders are socially made and maintained, they are cultural artefacts, and as such are objects of study for anthropology and cultural history.⁴³¹ The same is the case for economic institutions, since social capital is being invested.⁴³² One of the factors that can explain the present cultural diversity of the Alta and Deatnu watersheds is the complicated history of political borders. When the kingdoms based in Stockholm, Copenhagen and Moscow started to dispatch tax collecting expeditions to the area, they reported about the existence of a local political system. Historians generally call it the Siida system, with a northern Sámi term. It is described as a tribal confederacy organized in small territorial units around the main waterways. In 1751, the border between the Danish and Swedish kingdom was defined as far north as to Lake Buolbmát, in the Deatnu watershed. The Alta river system was within the Danish side of the border. The despotic kingdoms promised to protect each of the “nations” within their dominion, as long as they paid loyalty to the king. On the one hand the treaty included an appendix that confirmed the ancient right of the “Lappiske Nation” (the Sámi nation) to practice traditional livelihoods across the border, and to remain neutral in case of war between the kingdoms. On the other hand, the ancient jurisdiction was *de jure* replaced by a new, though the local people *de facto* maintained their ancient customary norms. To the northeast of Lake Buolbmát, the three regional empires would still compete about the rights to taxing and trade, until they agreed on a border in 1826. By then, the Finnish province was no longer under Sweden, but under Russia, while the Norwegian province had been given from Denmark to Sweden. Thus, the treaty from 1751 no longer referred to a border between Denmark-Norway and Sweden-Finland, but instead to a border between Sweden-Norway and Russia-Finland. The Swedish Crown decided that the treaty was still valid regarding the border between the “brother nations” Norway and Sweden. The kingdom became more eager to guard its northeastern border to Russia and Finland, and in 1852 it closed. As

⁴³¹ Das & Poole 2004: “Introduction”

⁴³² Guha-Khasnobis, Kahbur and Ostrom 2006 (in particular the contribution by Keith Hart 2006).

nationalism and eugenics had become the new policies of the state builders, these Scandinavian “brother nations” had limited room for Sámis, Kväns and Finns. The northernmost Finnmark County had been re-defined as “Colonie” in the 1820s, with the argument that only nomads lived there, and that therefore, it had been an unoccupied *terra nullius* when the kingdoms had been established.⁴³³ This was a legal invention. By redefining the past in terms of *terra nullius*, the state-certified national builders *nullified* the “Lappiske Nation” as it had previously been defined in 1751. The northernmost county would now be administered as a “Coloinie” that could be opened up for settlers and for extraction of natural resources. When the Crown chose to respect the 1751 treaty with regard to reindeer nomadism in the Scandinavian Peninsula, this was also economically profitable for the two Scandinavian “brother nations”. To summarise, the Scandinavian national strategists had taken control of the state apparatuses, and as a result, colonial administration and strict border control were the policies used to tackle the geographically overlapping Finno-Ugric nations. The closing of the northeastern border to Finland-Russia caused economic loss for local reindeer owners in the trans-boundary area. In 1852 an insurgency took place in Guovdageaidnu (Kautokeino), in the upstream Alta river system.⁴³⁴ Recent historical research has shown that the border closing caused economic hardship for other local groups as well. The historical documents show that until the mid 1800s the right to border crossing had applied to all Sámi. The sources even indicate that all local people in Finnish Sápmi had been crossing the border freely. Since time longstanding, fishing in nearby parts of the Barents Coast had been an important source of livelihood for the local people along Deatnu, Neiden and Pasvik Rivers. It should also be remembered that before roads were build, these rivers had been the main means of transportation, providing access to market places, short-distance barter and long-distance trade. In practice, not only Sámi people had enjoyed access to the river and the coast, but also Kväns and Finns living in the Sámi homeland.⁴³⁵ Therefore, the closing of the border caused economic hardship for the local people living in a transnational kinship system, reminiscent of the Sámi ancient tribal confederation. It also caused economic hardship for all people in Northern Finland. Consequently, the border closing was a blow to Finnish national economy as well as to Sámi regional and local economies. The nationalisation of the states was a cultural revolution. It implied Scandinavian colonisation of sub-arctic territories, which had been shared with Finno-Ugric nations. Also the coastal waters were nationalised during this period, as large vessels from the more central areas further south started to fish with mobile gear along the Barents coast.⁴³⁶ After the historical struggle for the Alta River, a decolonization process has started. The Finnmark Act is an attempt of reconciliation between

⁴³³ Pedersen 1999

⁴³⁴ Zorgdrager 1998

⁴³⁵ Pedersen 2008

⁴³⁶ Eyþórsson 2008

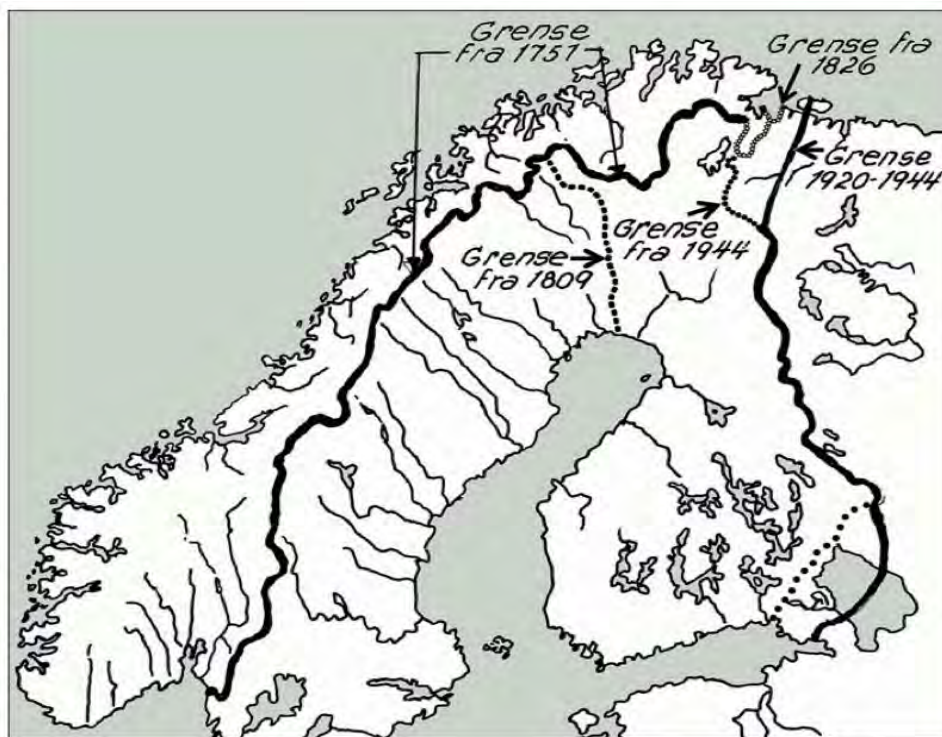
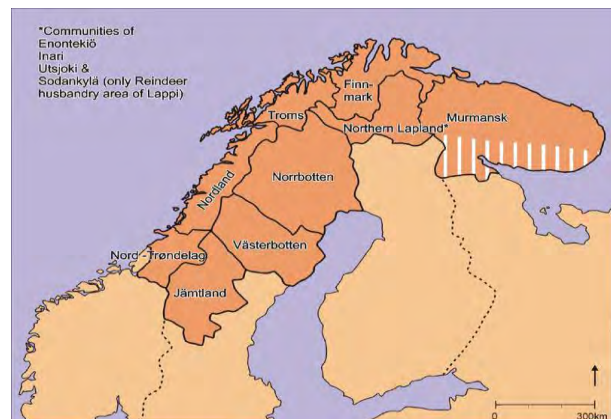
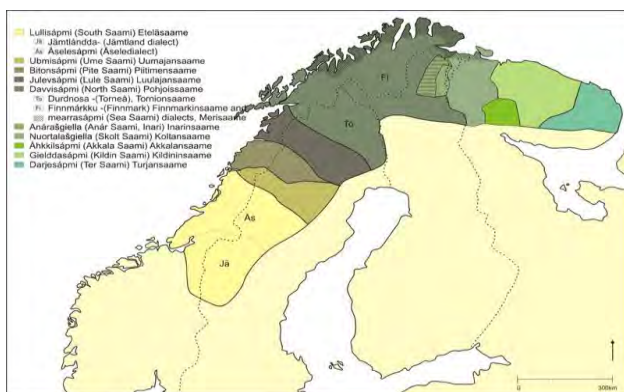


Figure 5-5: Human geography

Top: Borders treaties within Sápmi from 1751 until 1944 (The word «grense» means border). Both Alta and Deatnu are located to the west of the complicated Norwegian-Finnish-Russian border area. The Alta River is now “Norwegian”, while the Deatnu River is “Norwegian” and “Finnish”. But both are at the same time “Sámi”, with a considerable minority of Kväns.⁴³⁷

Bottom left: Sámi language areas. Alta and Deatnu Rivers are in the area of the North Sámi language (olive green), whereas the Alta and Deatnu fjords are classified within the Coastal Sámi dialect (dark green).^{438,439}

Bottom right: Nation states and Sámi areas: Administrative provinces managed with special policies for Sámi issues.⁴⁴⁰



⁴³⁷ Artist: © Johan Aslak Siri, printed in: Pedersen 2008.

⁴³⁸ Some might *mis-read* such maps as an implicit statement of separatist ambitions, if the reader has a *one-sided nationalist mind-set*. (For an example of such methodological nationalism, see Semb 2001; Semb 2003). Such a reading might seem logical if one assumes that uni-national states is the only possible state form, but such an assumption is un-empirical, dogmatic, and ideologically biased. Thus, *Norwegian methodological nationalism* imposes a *utopian Norwegian separatism* on an *actual social ecology* that is much more rich and complex.

⁴³⁹ Map source: The Encyclopaedia of Saami Culture, online version (beta). © University of Helsinki. Retrieved: www.helsinki.fi/~sugl_smi/senc/english/graphics.htm, February 2013. Re-use policy: <http://www.helsinki.fi/yliopisto/oikeudet.htm>. (Also printed (with a few revisions) in Kulonen, Seurujävi-Kari & Pulkkinen 2005: 177.)

⁴⁴⁰ Map source: *ibidem*. (Also printed in Kulonen, Seurujävi-Kari & Pulkkinen 2005: 295.)

national Norwegian interests, local Sámi interests and other regional interests in Finnmark County. However, this attempt is *geographically limited* to the inland plateau, and to the Norwegian side of the border. The parts of the Sápmi Plateau that are outside Norwegian occupation is outside the reform, and the parts of Finnmark County that are outside the plateau are also outside the reform. Accordingly, my fieldwork in the Deatnu river system enabled me to meet contentious social mobilization for indigenous rights among Coastal Sámi in the culturally “norwegianized” Deatnu fjord, as well as among River Sámi in the politically “Finnish” tributaries to the Deatnu River. With the European Economic Area (EEA), local people in Finnish Sápmi have regained some rights to freshwater fishing and wage labor on the Norwegian side, but those new right also apply to people from all over Finland, and all over the EEA macro-region. Controversies about fishing rights in the Deatnu River and Fjord actualize socio-cultural conflicts that are also socio-economic. People from all over the Finnish and Norwegian nations are angered by the prospects of loosing a privileged access that has become ideologically naturalized. Decolonisation implies political-economic conflict. It remains contested whether the local fish resources should be a *national commons* to be exploited by fishermen from the national centre areas, or *local regional commons* to be used by the local population, or subject to the *European common market*.⁴⁴¹ The Alta and Deatnu watersheds, and the whole Sápmi area, are rich of natural resources. Still, there are few processing industries in the region. Local people use the natural resources for subsistence and barter, and may also make some money when people from outside extract the local natural resources. As with post-colonies in the global south, the role as provider of raw materials to industrial nodes, institutes a path dependency of economic underdevelopment. The entrepreneurs of state formation and nation building created national economies that facilitated a specific form of centralized accumulation, exploitation and redistribution. The emergence of macro-regional market integration facilitates a merging of the national economies. The territorial order has changed, though the peripheries still interact with various centres of accumulation, exploitation and redistribution. The local population in the Alta and Deatnu watersheds are generally skeptical of the EU. Still, some social entrepreneurs mobilize resources from the EU INTEREG program. For example, it has funded shared resources to a school for North Sámi children at both sides of the Deatnu River. Macro-regional clusters have opened up some opportunities for local regionalisation across the old state boundaries. Regional

⁴⁴¹ As Mattei (2011) points out, the common good is not identical with the public good, understood as state responsibility. This is because particular states take responsibility of the particularist national interest of their state. Additionally, in many cases they interpret this as privatisation, taking care of the particularism of private property. Still, “The Common” can hardly be a global universal. As David Harvey (2009) points out in his critique of Michael Hardt & Antonio Negri (2011), common natural resources are always located somewhere in space, in some particular ecological and sociological environment. He explicitly mentions indigenous rights to freedom from colonization. Thus, “commons” in plural are somehow particular, and may be framed in competing ways, while “The Common” in singular remains an abstract utopia and ideal. Hardt and Negri deal with utopia, Matti with reality.

innovation clusters are used in attempts to heal some of the harm done by nationalist corporatism. The lands and waters of Alta and Deatnu were colonized by a liberal-nationalist political class, and are being decolonized under a global neoliberal political class.

Jurisdictional geography: When Norway-Sweden closed the border to Finland-Russia in 1852, it was motivated by geo-strategical as well as eugenic concerns.⁴⁴² Myths about invasions from the East were combined with the new (and fabricated) ethnologic theory, which inferred that Sámi and Kväns were descendants of Mongolian invaders, not natives.⁴⁴³ Since the 1820s, the term “Colonie” had been adopted by the administration of Finnmark. In 1902 the state started to sell annexed soil but only to those who spoke Norwegian. Assimilation of Sámi and Kván peoples were legitimized by myths about military strategy, civilizing colonization, and racial hygiene. In the upstream areas of the Alta and Deatnu river systems, the assimilation policies never succeeded, instead they provoked resistance from local school teachers.⁴⁴⁴ In the tension between suppression and resistance, the state builders were impotent to obtain *de facto* legitimacy for the *de jure* claim of jurisdictional monopoly. During the Alta-dam controversy, this tension would be tested not only *de jure* in the state court system, but also *de facto* through public deliberation, including supranational legislation at the UN level. The Alta-controversy triggered a controversy that led to legal reforms at multiple levels. During my fieldwork along Deatnu River, people in some parts of the watershed had experienced that state legislators had acknowledged the actual jurisdictional pluralism in their local areas, though how this principle should be implemented was an issue of contention. Those are mainly the parts of the river system that are located at the inland plateau, and at the “Norwegian” side. In other areas of the Deatnu watershed, the (colonial) states have not yet acknowledged the *de facto* jurisdictional pluralism. This is the situation in the Deatnu Fjord, as in other Coastal Sámi communities, and also in the south-eastern parts of the Deatnu River, as in other parts of “Finnish” Sápmi. In all these areas, small minorities such as the Kväns, who have cultural and linguistic similarities with both Sámis and Finns, strive to mobilize resources to create their own indigenous rights movement. Similar controversies take place in all Sámi areas.

Local electoral geography: Some micro-political attitudes in the Alta and Deatnu watersheds may be indicated by having a look at the municipal election results. These statistics are published by state agencies for official statistics in Finland and Norway. They have been chosen from six municipalities: Alta and Datnu (Tana) are municipalities at the downstream area of the Alta River and the Deatnu River. In the upstream parts, we find Guovdageainnu (Kautokeino) and Karašjohka (Karasjok). The south-eastern tributaries of the Deatnu River drain water from the lands

⁴⁴² Niemi 2004

⁴⁴³ Pareli 2004

⁴⁴⁴ Solbakk & Solbakk 1999

Table 5-1: Finnish municipal elections 2008 and 2008 (percentiles)

Table 5.1: FINNISH MUNICIPAL ELECTIONS 2008 AND 2012 (PERCENTILES)				
	2008	2008	2012	2012
	Inari	Utsjoki	Inari	Utsjoki
Centre Party	28,7	47,7	26,4	35,9
Conservatives	15,7	16,1	36,4	26,8
Left Alliance	16,0	5,0	12,7	5,9
Social Democrats	8,8	5,7	10,3	8,0
True Finns	2,5	-	6,0	11,2
Green League	5,3	-	4,9	-
Swedish People's Party	-	-	2,0	12,1
Christian Democrats	0,4	-	-	-
Local Sámi Lists	22,6	25,5	1,2	-
Total	100,0	100,0	100,0	100,0
No. of votes	5616	1113	5612	1076
Turnout in %	66,1	82,8	62,2	82,7

Source: Statistics Finland: www.stat.fi

Table 5-2: Norwegian municipal election 2013 (percentiles)

Table 5.2: NORWEGIAN MUNICIPAL ELECTION 2013 (PERCENTILES)				
	Alta	Deatnu	Guovdageainnu	Karašjohka
Social Democrats	29,0	39,0	8,0	43,6
Conservatives	26,9	20,6	7,6	3,3
Center Party	1,8	12,7	2,9	10
Liberal Left Party	7,5	5,2	11,3	5,3
Socialist Left Party	7,6	3,7	-	-
Progress Party	11,5	5,2	3,5	-
Coastal Party	10,2	-	-	-
Christian Democrats	4,1	-	-	3,7
Norwegian Sámi Assoc.*	-	6,0	-	-
Sámi People's Party*	1,4	-	26,9	12,5
The Joint List**	-	7,6	-	-
Árja*	-	-	-	7,3
Nomadic Sámi Lists*	-	-	25,8	6,0
Karašjohka sedetary*	-	-	14,0	-
The karasjok List ***	-	-	-	15,6
Others	0,0	0,0	0,0	0,0
No. of votes	8341	1491	1534	1421
Turnout in %	59,9	64,5	64,2	59,5

* Sámi lists that are also represented in the Norwegian Sámi parliament

** Joint list is Norwegian Sámi Association with the Sámi People's Party

*** Local list, not specifically Sámi

Source: Statistics Norway: www.ssb.no

of Utsjoki and Inari municipalities at the Finnish side of the border (Tables 5.1 and 5.2), still only some parts of Inari are within the Deatnu watershed. Some general trends should be noted. The social democratic Labor Party is generally the largest one in municipalities at the Norwegian side of the border, while the agrarian Centre Party tends to be the largest at the Finnish side. One explanation may be the role taken by these two parties as catch-all parties in the two nation-states. Another explanation may be found in regional history, and the conflicting local experiences with the Red Army between 1941 and 1945. These and several other parties represented in those elections are nationally organized, on ideological models that are typical of West European parties. However, those elections also include various Sámi lists. Some of those are represented in the Sámi Parliaments, and internationally they are affiliated with the indigenous rights movements. In the coastal municipalities of Alta and Deatnu (Tana) the Sámi lists gain relatively scarce support. By contrast, they gain strong support in inland municipalities at the Norwegian side of the border. They are particularly strong in Guovdageainnu (Kautokeino), where the two largest parties are Sámi lists. Largest in that municipality is the Sámi People's Party, which is in favour of local commons and decolonization. The second largest is the local Sámi Nomad List, which attracts relatively prosperous reindeer owners. Both lists are represented in the Norwegian Sámi Parliament. Local Sámi lists used to be strong at the Finnish side as well. During my fieldwork I was told that the Center Party and the Sámi List used to compete for the leading position in the Utsjoki municipality. However, there has been a sudden change between the municipal elections in 2008 and 2012. In Utsjoki, the Sámi list has totally disappeared, and the Centre Party has been losing votes. Similar tendencies are seen in the Inari municipality, though this is mostly located outside the Deatnu watershed. The weakening of the Sámi lists at the Finnish side coincides with the strengthening of the True Finns. This right-wing populist party is sometimes compared to the Norwegian Progress Party. Both have gained political strength at the nation-state level. Both are skeptical of multiculturalism. They frame indigenous rights as particular privileges for chosen segments of a population where they suppose everyone previously had equal chances. At the Norwegian side, the right-wing populist tendency has made relatively little impact on municipal politics in our chosen watersheds. Still they are a force to be reckoned with in the coastal Alta and Deatnu (Tana) municipalities, where Sámi ethnic belonging is controversial. This is a pattern, and it is stronger in the upstream municipalities at the Finnish side of the border. It is relevant that the rise of the True Finns in the Utsjoki municipality coincides with the disappearance of the local Sámi list. It is also relevant that the Swedish People's Party is now found here. This is an all-Finnish party for the Swedish-speaking part of the population. In Utsjoki virtually no one speaks more Swedish than what they learned at the Finnish school, or from dealing with Scandinavian-speakers at the Norwegian side of the Deatnu River. Local Sámi activists have told me that they support the Swedish People's

Party for strategic reasons, so that the linguistic minorities can stand together in Finnish politics. Accordingly, it is not incorrect to see the local presence of the Swedish People's Party as a response to the sudden force of the True Finns all over Finland. The results of right-wing populist parties may or may not reflect widespread opposition to indigenous issues. On the Norwegian side, that I know better, the catch-all Labor Party is also a bone of contention between the pro-Sámi Helga Pedersen and the anti-Sámi Olav Gunnar Ballo. At the pub in Utsjoki I was drinking with a Sámi from the Norwegian side who even voted Progress Party for the Sámi Parliament, to demonstrate his belief in liberty for all, and contempt of centralized power. (When I returned one and half year later, I learned that he had started to work with “Sámi activists” in the ČSV movement who also believe in liberty for all and are skeptical of centralized power, but focus on collective human rights as a means to heal the harm of a colonial past.) Other lists in the local voting statistics are the Karasjok List, a local list that is not specifically Sámi, and the Coastal Party, an anti-centralization party that is active along the Norwegian coastline.

Local democratization: The Alta and Deatnu Rivers are located in areas with vibrant local democracy. The democratic systems at municipal level are the result of a specific social movement in the 19th century.⁴⁴⁵ This historical legacy should be taken into account in order to understand the dynamics between state builders and indigenous rights movements. The municipal movement was especially strong among peasants and small holding farmers, and it gradually was accommodated by nation-building elites. Thus, state laws for municipal democracy were enacted. Consequently, a tacit social contract emerged between nation-builders and the municipal movement. However, after the fall of nationalist historiographies, we should not reduce the municipal movement to a form of nationalist mobilisation, because it was not. “Municipalism” in the 19th century was a transnational grassroots movement. It partly overlapped with Lay Lutheranism, of which the insurgency in Guovdageaidnu (Kautokeino) was part, and it partly overlapped with the utopian socialists, of which the Thranite rebellion in Southern Norway was part. Indeed the compromise between nation-builders and the municipal movement is one explanation as to why the political class chose to respect local customary laws among peasants in Southern Norway, who claimed local rights to use local commons.⁴⁴⁶ This happened during the same period as Finnmark County was being re-defined as a “Colonie”. Thus, the political class chose highly different ways to deal with local customs among peasants in the Norwegian core areas, compared to how they dealt with peasants, herders and fishers in areas where the territory of the nation-state overlapped with the Sápmi homeland. The process led to ethnification of in-group and out-group, and had the social function of dividing the

⁴⁴⁵ Nærbøvik 1986; Johansson 1990

⁴⁴⁶ Sandvig 1998; Stenseth 2010

popular opposition against the centre.⁴⁴⁷ Also in Finland, the municipal democracy became institutionalized under the nation-state. In both countries decentralisation and local democracy have gained a mythical status in official political culture. On the Norwegian side, the municipal political tendency also led to a democratisation at an intermediate “level of aggregation” (to use a term for geographical scale taken from Elinor Ostrom's SES framework). The Counties of Norway, as those of Finland, had been created as administrative units under the early territorial states. In the 1970s, a reform led to the creation of the “County-Municipalities”, which were democratically elected bodies at the county level. This resulted in institutional competition between the County Governor (*Fylkesmann*) on the one hand and the County-Municipality (*Fylkeskommune*) on the other. The terminology is so confusing that few common voters notice the difference. During the attempt to implement indigenous rights in the Finnmark County, highly different roles were played by the County-Municipality (*Finnmark fylkeskommune*) and the County Governor (*Fylkesmannen i Finnmark*).⁴⁴⁸ Such double institutions do not exist in the Counties at the Finnish side (*Lääni*), but after pressure from the EU, the Finnish state allowed for an inter-municipal council that is called a Regional Council (of Municipalities) (*Maakuntien liitot*).⁴⁴⁹ On the Swedish side, the Counties are supplemented with a criss-crossing territorial order called “Landskap”, which is a regional form of cultural belonging with history back to the middle ages.⁴⁵⁰ To conclude, a system of multi-level democracy already existed in the Nordic states before the indigenous rights movement returned to the stage during the Alta-dam struggle. The claims put forward by the indigenous rights movement were not very different from those that were advocated by the historical municipal movement: local rights to local commons, regional rights to regional commons. For many indigenous rights activists,

⁴⁴⁷ Jensen 2013

⁴⁴⁸ Sandberg 2006; Sandberg 2008a

⁴⁴⁹ Whereas Finland, like Norway, has a strong tradition for municipal democracy, it was nevertheless comparatively late in implementing municipal democratic principles at the “regional” level, that is, at the territorial level of the County, or regional state administration. At the Norwegian side, the County Municipality (*Fylkeskommunen*) was established in the 1970s, as a directly elected counterpart to the state administration in the County (*Fylkesmannen*). At the Finnish side, similar institutions were not established until the 1990s, as a response to EU policies (Regional Council of Lapland 2011a, Regional Council of Lapland 2011b, Associations of Finnish Local and Regional Authorities 2011, interview with Aimo Guttorm 3. March 2011). This is relevant for the second implementation of the EU-WFD, when the EU Commission demanded further democratisation of each of the water regions. Thus, in the Deatnu Water Area, some formal authority was transferred *from* Norway's and Finland's regional state administration in Finnmark and Lapland, *to* the Finnmark County Municipality and the Regional Council of Lapland. Both are regional democratic bodies, but still, they are organised differently, as a result of the different trajectories of democratisation under the two states. At the Finnish side, the regional council in each County (*Län*) is a *confederal* coordination council for municipalities, each of which has a democratically elected leadership. At the Norwegian side, the county municipality in each County (*Fylke*) has its own democratically elected political leadership, though it has no “supra-municipal” authority, but is a parallel arrangement subordinated to the same state. Under both states, the various forms of “municipalism” is subordinated to the state government, which, in turn, has ratified various treaties on cross border cooperation. Thus, Norwegian and Finnish “municipalism” is a field of negotiation between political agency from the local communities, from the national states, and from transnational regimes. These also represent various forms of popular self-determination, with partial territorial overlap, and various ethno-political solidarities.

⁴⁵⁰ Olwig & Jones 2008

their claim is no more radical than to demand an end to the double standard that was instituted in the 19th century, when the political class codified the local customs regarding local commons in some local communities, while at the same time declaring another province to be a “Colonie”. Interestingly, in the Alta and Deatnu watersheds, there are some similarities between the present municipal boundaries and the ancient *siida* boundaries. This is not to say that the municipalities have taken over the function of the *siidas*, but it may indicate that the actual municipalities emerged through interaction between the state and a local society whose way of social organisation was reminiscent of the ancient *siida* system. If so, then the municipalities emerged from the *de facto* jurisdictional pluralism, where the hegemonic nation states interacted with the vital reminiscent of an ancient stateless political system. Historians describe the *siida* system as a locally based, confederal order.⁴⁵¹ This description resembles the prescriptions of radical communalism.⁴⁵² In the North-Atlantic macroregion, indigenous peoples have provided inspiration for confederalist political theories, while the theoretical concept of the “noble savage” has inspired hypotheses for empirical testing by cultural historians. Thus, there is a symbiosis between the empirical exploration of traditional indigenous culture and the practical prefiguration of future political praxes.

In the Alta and Deatnu watersheds, radical municipalism guide social movements which take part in deliberative participatory democracy, while a co-opted form of municipalism had become well institutionalized as an arena of representative democracy. A similar dialectic between democratic centralism and radical democracy may have been going on since the communalist movement in the 1800s, maybe even since the *siida* system was *de jure* criminalized in 1751. The modern municipalities Inari and Utsjoki and Kautokeino are named after the ancient *siida*-names Anár, Ohcejohka and Goudegiadnu. The local people of *Ohcejohka Siida* have suffered much, particularly when the state border was constituted and consolidated, because the northern part of the *siida* was cut off from the rest. The main part of the *siida* became the Utsjok municipality, while the northern part was called Polmak Anneks and is today part of the Deatnu (Tana) municipality. But local people at each side of the border are still kinfolk, and still communicate together in the same dialect of North Sámi, and there is still a continuous practice of subsistence practices, were ancient norms and lore are kept and developed. The norms, lores and social organization that are being maintained through livelihood practices constitute a natural resource management system in themselves. The community is also organized as interests groups. Some village councils call themselves “*siida*”, with reference to the ancient tribal confederacy. Others call themselves “*gilli saervi*”, which is a Sámi translation of the Norwegian “*bygdelag*”, a traditional concept of traditional pasture management that has become widely known throughout the Nordic communalist

⁴⁵¹ Solbakk 2007b

⁴⁵² Bookchin 1971; Bookchin 1982; Bookchin & Biehl 1996; Bookchin & Eiglad 2007

water areas. Consequently, there is actual jurisdictional complexity and ambiguity in the area. This actual jurisdictional complexity has been acknowledged by state legislators after the ratification of international indigenous rights norms. Before that ratification, state builders insisted on an unrealistic claim of jurisdictional monopoly. Thus, it was politically impossible to discuss these issues during the Alta dam conflict. Indeed the suppression and silencing of this discussion was one cause of the conflict. During the Alta-dam conflict, the interaction between states and Sámi institutions had been shaped by a series of movements for democratisation. The nation-builders had been one branch of that family, the communalists; the Lay Lutherans and the labor movement had been other branches. The official political system had been shaped through compromises between nationalists, communalists and socialists, while new visions for democratization emerged among new social movements at the time. Movements for environmental protection and indigenous rights would reforme the heritage from communalist and socialist movements. This was an *informal* democratic practice that re-negotiated the premises of *codified* democratic practice. Analytically, this is a form of meta-democracy, because informal democratic practices maintain and transform codified democratic systems. At this analytical level, the nation-states never enjoyed *de facto* sovereignty in the Alta and Deatnu watersheds. There was always a pluralistic and ambiguous overlap of different political systems: the institutions of modern states coexisted with the institutions inherited from an ancient stateless political system. When the states ratified international indigenous rights norms, they recognized the existence of actual jurisdictional pluralism, and attempts are being made to determine the ambiguities of that relationship. However, the evocation of the *Siida* system is kept as oral culture and practical knowledge, and it may be impossible to codify that in a way that gets rid of all ambiguities. That challenge will probably give rise to future controversies, but that may or may not be considered a problem. Taking the existence of informal meta-democracy into consideration, such conflicts may be opportunities to further clarification of norms.

5.3.0 Context: the West-European and Circumpolar macro-regions

5.3.1 The context: view-point for the panorama

Now I will briefly describe the larger socio-ecosystems into which the Alta and Deatnu watersheds are embedded. Ecological and cultural geographies will be emphasized and the presentation will gradually introduce some terms from Stein Rokkan's "conceptual map of Europe".

First, I will sketch the emerging policy networks in the European and Circumpolar macro-regions. When our historical case from the Alta River took place, only few institutions had been developed at the macro-regional level. Still, maps of the European and Circumpolar macroregions will be used to present the rich natural and cultural heritage.

After having mapped those socio-ecological conditions, we will return to Stein Rokkan's "conceptual map of Europe". He traced the state formation in retrospect from the point of view of what was conventional knowledge during the Alta-dam controversy. At that time, the Nordic states could be seen as models states with territorial integrity, cultural unity and military sovereignty, because the political class *denied* the existence of ecological interdependencies, they *silenced* the indigenous people and other national minorities, and they *were granted* a virtual military sovereignty because of their strategic location between the superpowers. Today, the geopolitical context has changed, and this change includes new knowledge about past geopolitical conditions that were either *denied*, *silenced* or *taken for granted* during Rokkan's time. Indeed, some historians of globalization in the circumpolar area regard the rise and fall of the nation-states as one particular stage in the *longue duree* of globalization.

By focusing on socio-ecological complexities, this chapter maps the context in terms of landscape geography, similarly to how it described the two selected watersheds. The final chapter (12.0.0), however, will sketch an alternative view-point on the same geographical context. There the focus will change from nature and culture, to geostrategical theatres. When this is being kept separate, it is not because military security is supposed to have any special significance for state (trans)formation. The purpose is to describe military activities in relative autonomy from political praxes, in order to enable a description of policy, politics and polity in relative autonomy from the military. The distinction between violent and non-violent systems is practically relevant for transformative social movements, because those need to identify actual opportunities to take effective collective action, while at the same time fending off criminalization, securitization, and violent suppression of dissent.

5.3.2 Macro-regional integration: Western Europe and the Circumpolar Arctic

The Alta and Deatnu Rivers have geographically complex ecological habitats and cultural livelihoods. These overlapping socio-ecosystems are embedded in other socio-ecosystems that may be mapped at a macro-regional scale. Some institutions at this level had been developed already during the time of my historical case study from the Alta River, but they would become more tightly integrated during the time of my ethnographic case study from the Deatnu River. Still, we will use maps of the Circumpolar and European spaces to present the rich ecological and cultural heritage that has existed here since long before macro-regional integration. With regard to the historical Alta-dam case, it may be anachronistic or teleological to map the biological and cultural diversity of that time in macro-regional terms, when methodological nationalism was the hegemonic paradigm of that time. The process was teleological only to the degree that it was the result of intentional action from individuals. On the other hand, the recent macro-regional integration has allowed us to re-write the history, and to expose the ecologic and cultural complexity that is easily overlooked or silenced by the mapping practices of the nation states.

Macro regional development: The locally adapted salmon stocks of Alta and Deatnu Rivers migrate widely in the North Atlantic area. The indigenous peoples of the Alta and Deatnu Rivers have found cultural affinities and make organizational bonds with other indigenous peoples and other national minorities all over the world. Some issues have led to transnational movements mobilizing to influence global institutions such as the UN. Other issues have led to transnational mobilization aimed at shaping the ongoing macro-regional integration in Western Europe or in the Circumpolar Arctic. With regard to Western Europe, such integration is institutionalized in the EU, the Council of Europe, and the European Economic Agreement (EEA). In the Circumpolar Arctic, there is collaboration on more particular issues, either among NATO-countries, or within the emerging Barents Sea region.

5.3.3 Complex ecological systems

The management of natural heritage is facilitated by macro-regional integration. For environmental movements, the EU has sometimes provided a useful alternative to nation-states, because some local ecosystems are found in trans-boundary areas, and some within peripheries of nation-states. The European Parliament has become a prioritized arena for the European Green Parties, though the Council of Ministers at times has been resistant. The Circumpolar Arctic is an ecologically vulnerable environment. States and intergovernmental organizations have defined several areas of



Figure 5-7: Macro-regional integration in Western Europe and in the Circumpolar Arctic

Left: The European Economic Agreement (EEA) integrates Norway, Iceland and Lichtenstein (green) into the EU common market (blue).⁴⁵⁶

Right: State formations in the Circumpolar Arctic: The Russian Federation, Canada, Denmark (Greenland), USA (Alaska), Norway, Finland and Sweden.⁴⁵⁷

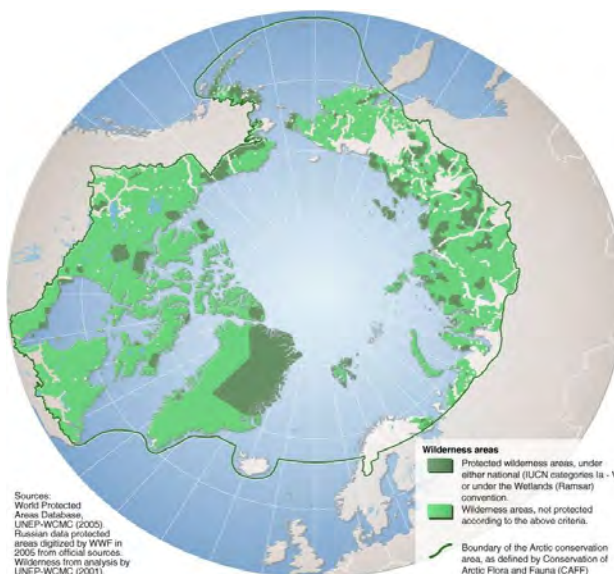
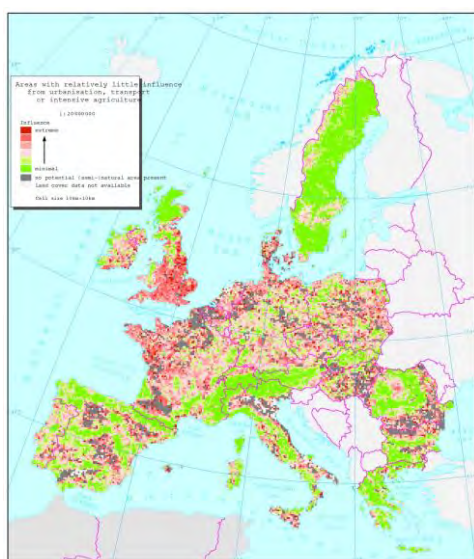


Figure 5-8: Vulnerable natural heritage in Western Europe and the Circumpolar Arctic

Left: Areas of the EU with relatively little influence of urbanization, infrastructures, or intensive agriculture. Data from Finland and Norway are missing.⁴⁵⁸

Right: Vulnerable environments in the Circumpolar Arctic: Protected areas under state law and international treaties (dark green) and wilderness areas registered by the states and the UN (light green).⁴⁵⁹

⁴⁵⁶ Map source: Wikimedia (Wikipedia: "EEA", retrieved February 2013), © in the public domain (free to use).

⁴⁵⁷ Artist: Hugo Ahlenius © UNEP/GRID Arendal 2006. http://www.grida.no/graphicslib/detail/arctic-map-political_365d (accessed 09.04.2015).

⁴⁵⁸ Artist: UNEP GRID Warszawa, © European Environment Agency (EEA). Retrieved: <http://www.gridw.pl>, February 2013. Terms of use: <http://www.eea.europa.eu/legal/copyright>

⁴⁵⁹ Artist: Hugo Ahlenius © UNEP/GRID Arendal 2006. http://www.grida.no/graphicslib/detail/protected-areas-and-wilderness_60e9 (accessed 09.04.2015).

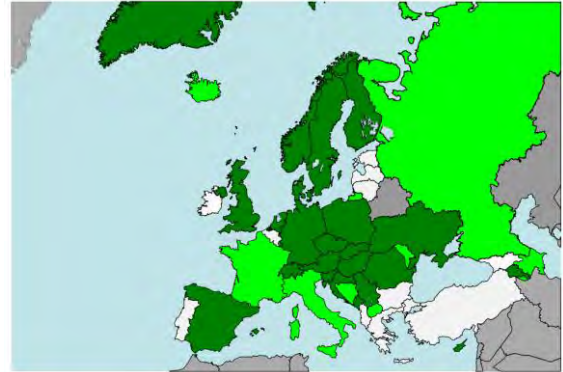


Figure 5-9: Vulnerable cultural heritage in Western Europe and the Circumpolar Arctic

Left: Indigenous peoples in the Circumpolar Arctic.⁴⁶⁰

Right: Signatory parties of the European Charter for Regional or Minority Languages (countries in dark green have signed and ratified, countries in light green have signed but not ratified, countries in white have neither signed nor ratified, though they are parts of the Council of Europe).⁴⁶¹

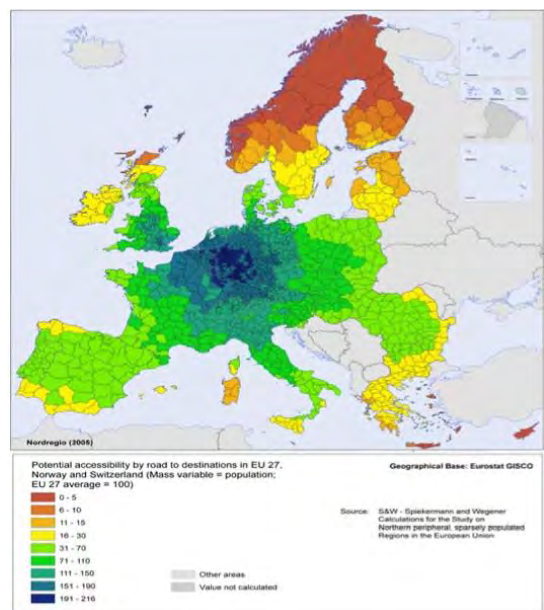
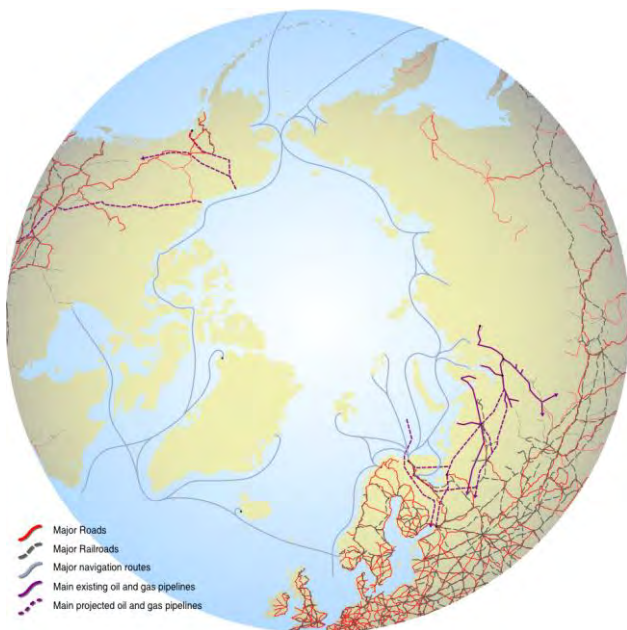


Figure 5-10: Infrastructure development in Western Europe and the Circumpolar Arctic

Left: Communication infrastructures in the Circumpolar Arctic: main roads (red), pipelines (purple), sea routes (blue) and railways (gray).⁴⁶²

Right: Access to the large markets in the EU, from red (least access) to blue (most access).⁴⁶³

⁴⁶⁰ Artist: Hugo Ahlenius © UNEP/GRID Arendal 2006. http://www.grida.no/graphicslib/detail/demography-of-indigenous-peoples-of-the-arctic-based-on-linguistic-groups_b4c8 (accessed 09.04.2015).

⁴⁶¹ Map source: Wikimedia Commons (Wikipedia: "ECRM"), retrieved February 2013, in public domain (free usage)

⁴⁶² Artist: Hugo Ahlenius © UNEP/GRID Arendal 2006. http://www.grida.no/graphicslib/detail/arctic-transportation-routes-roads-shipping-and-pipelines_c0ee (accessed 09.04.2015).

⁴⁶³ Source: EU Commission 2007: 21 (see bibliography), from www.interregnord.com retrieved February 2013.

special value for biodiversity around the Arctic. During the Alta-dam struggle, international treaties on shared natural commons were scarce, but local environmental organizations exchanged letters with similar groups all over Europe and even globally.⁴⁶⁴

5.3.4 Complex cultural systems

The protection of a diverse cultural heritage has also been facilitated by regional integration. The EU has institutions where the states help each other policing general human rights issues, but the Council of Europe has more specifically a European Charter for Regional and Minority Rights. This had not yet happened during the Alta-dam struggle. In the Circumpolar Arctic, many linguistic and cultural minorities have been recognized by the UN as being indigenous. Those peoples are related through cultural and linguistic family resemblances. During the Alta-dam struggle, the local indigenous rights organizations had close contact with similar organizations among other indigenous peoples on the same side of the iron curtain. Since the late 1980s, the indigenous peoples in the North-Atlantic region have experienced some *Glasnost* at home, while developing their organizational ties with Siberian indigenous peoples. The global indigenous movement has succeeded in shaping UN human rights norms, and now mobilizes to make the states ratify and implement the norms.

5.3.5 Centre-periphery relations

So, the European and Circumpolar macro-regions are rich in ecological and cultural diversity. Those are complex and multilayered socio-ecosystems, with several centers of capital accumulation, cultural standardization, political centralization, and scientific calculation. Centralisation of some areas implies provincialisation of other areas. These are the kind of relations that Stein Rokkan referred to as center-periphery cleavages. Some economic transactions between center and periphery are one-sided extraction of resources. Other transactions may provide mutual gain and advantages for both center and periphery. The Circumpolar Arctic is not only the habitats of valuable biodiversity, and the homelands of indigenous peoples. Areas in the Circumpolar Arctic are also peripheries in relation to centers of capital accumulation, cultural standardization, political centralization and scientific calculation. The European Internal Market grants economic liberties for

⁴⁶⁴ Source: The National Archives of Norway: the archive box "Folkeaksjonen mot utbygging av Alta-Kautokeinovassdraget, Oslo-avdelingen 1977-1983" (RA-P-0868 PA 868)

everyone, but those who have better market access enjoy more liberty than others. The northern provinces of the Nordic countries are among the areas with least access to those markets. However, as the circumpolar map of infrastructure development shows, those northern provinces of the Nordic countries are better connected to Arctic sea routes and Russian pipelines. Together, these two maps can be used as indicators of integration of the Alta and Deatnu watersheds into two macro-regions: the Circumpolar Arctic and Western Europe. In terms of Social Network Analysis, these maps not only show infrastructure development and market access, they are also qualitative indicators of the strength and shape of cybernetic ties. However, such mapping of cybernetic ties say nothing about what natural resources might exist in provincial locations such as the Alta and Deatnu Rivers.

Development or colonization? Infrastructure development and market access facilitate integration into centers of capital accumulation, political centralization, cultural standardization, and scientific calculation. Such access may give local communities the opportunity to develop themselves, but also gives political-economic actors in more central nodes of power an opportunity to extract natural resources. The potential for hydropower development in the Alta River is only one example. Another is the rich fish resources of the Alta and Deatnu Rivers and Fjords. Sápmi has fish and mineral resources of interest for investors from more central areas, and the Barents Sea has fish, oil and gas. Gas pipelines across the Kola Peninsula and tar sands extraction in Canada are now iconic of how extraction of resources may threaten vulnerable biotopes and indigenous homelands. Local people in the Alta and Deatnu Fjords see large fishing boats as a threat to local livelihoods. They discuss whether the emerging mining and oil industry represent opportunities for new jobs, or threats to coastal livelihoods. Along the Alta and Deatnu Rivers, local people discuss whether angling tourists represent an opportunity to live from tourism or a threat to local bio-cultural diversity. On the plateau, people discuss whether centralization of reindeer husbandry is necessary for economic sustainability, or a threat against ecological sustainability. Those areas provide natural resources for relatively more central nodes in the accumulation of capital and centralization of power, exactly like peripheral areas in the Southern post-colonies. On the one hand, exporting raw materials to central areas give access to markets, and thus, to financial capital. On the other hand, such exports create (institute) path dependency, hampering the development of local industries, and thus, of real capital. Therefore, it is open for discussion whether such relations produce regional development or internal colonization.

5.3.6 Political complexity: after the utopia of unitary nation-states

This overview indicates a geographical opportunity structure for democratic practice along the Deatnu and Alta Rivers, and beyond. The viewpoint for this overview has been a chosen interest in social-ecological systems, thus in *landscape ecology* in its environmental and humanistic forms. Accordingly, this overview has included socio-ecological resource geography and socio-ecological cultural geography. This particular viewpoint provides much information that may traditionally not have been the focus for the political science of state formation. However, my chosen viewpoint also looks away from what the traditional political science of state formation used to focus on, namely geo-strategical theatres. In my empirical case studies I try to observe the significance of non-violent paths of constituent and constituted power, and therefore to observe those in relative isolation from the impact of coercive force. This is not because such factors are not entangled in practical reality, because they are, but it is because of the normative virtue of keeping the military separate from (and subjugated to) the political. Thus, in the final theoretical discussion, I will return to the dimension of coercion. There I will apply a clear-cut *realpolitik*/geopolitik view in order to control for the potential bias of wishful thinking in my own perspective. Consequently, I will admit that reductionistic use of the social-ecological perspective may be misleading, but I will at the same time demonstrate that reductionistic use of so-called “realism” is directly unrealistic.

In the present chapter I have indicated how the emerging regional development systems respond to actual ecological and cultural interdependence. It was also indicated how geo-strategical alliances respond to actual military interdependence. These observations may be used to expose the utopian nature of some normative political theories. Political theories after Max Weber, from the republican ones to the nationalist ones, have presumed (a) the territorial sovereignty of the polity, (b) the cultural cohesion of the *demos* and (c) the military capacity of those to defend the self-determination of a people. The Nordic nation-states have been used as exemplars of successful states according to such premises. Therefore it is relevant that those theoretical premises in fact do not correspond with the actual empirical geographical context of the Alta and Deatnu watersheds. Regarding (a), territorial integrity, the actual ecological interdependence suggests that territorial integrity is an ideal at best. Ecosystems are nested, complex, and dynamic; they are never neatly nested in any finished order. Regarding (c), cultural unity, the existence of national minorities and indigenous populations indicate that social belonging to several collectives is no exception from the rule. Consequently, a coherent and socially bonded *demos* is utopian, there are always several, overlapping *demoi*. Regarding (c), the capacity to defend oneself, the *realpolitik* of NATO and CSTO indicate that small states like Finland and Norway have few opportunities to determine their own security policies. For that reason, the notion of military sovereignty lacks descriptive value, but

is a rhetoric device for an ideological apparatus. During the Alta-dam controversy, the Nordic states *denied* the existence ecological interdependencies, they *silenced* the indigenous people and other national minorities, and they *were granted* a virtual military sovereignty because of their strategic location between the superpowers. As a result, the building of national democracies appeared to have been completed. Today, the geopolitical context has changed so much that socio-ecological complexity no longer can be denied or silenced. Not only is the present geopolitical situation another than what it was thirty years ago, additionally the knowledge has changed about what the geopolitical situation was back then.

The Conceptual Map of Europe: Let us return to the center-periphery relations that were mapped above. In Arctic peripheries such as the river systems Alta and Deatnu, there is large degree of continuity from the age of state formation and nation building, to the present day macro-regional development programs. Indeed, some historians of globalization in the circumpolar area regard the establishment of nation-states as one particular stage in the *longue duree* of globalization.⁴⁶⁵ In his now classic “conceptual map of Europe”, Stein Rokkan traced interactions between centers and peripheries throughout the establishment of territorial states and their transformation into nation states and welfare states. He traced that process in retrospect from the point of view of conventional knowledge during the Alta-dam controversy. The contemporary geopolitical reality is more pluralistic. From this point of view we might revise the way in which the process was traced, but also trace its further unfolding. For Rokkan's Structure-Functionalism, the center-periphery relationship was a cleavage in general attributes among the population of an area. In more networked or cybernetic terms, center-periphery relations are a question of connectivity. In such an arrangement, both negative and positive reciprocities are possible, and relatively central nodes may exist at many levels of accumulation. Thus, the tension is not one between center and periphery but a tension between different ways in which centers and peripheries may interact: These possibilities may be described by using categories such as level of aggregation, positive and negative reciprocity, regional development and internal colonization. The more pluralistic times call for a more pluralistic concept of power, which can be used to discover more pluralism in the past, including economic, semiotic and political empowerment in the periphery, as well as the force of non-violent power. One should recognize that despotic regional empires based in Copenhagen and Stockholm never invaded any “*Terra Nullius*”, but criminalized a pre-existing stateless political system, while also admitting some of the ancient rights of minorities such as Sámi and Finns. One should also trace how the European Union and similar projects not only threaten the imagined sovereignty of nation-states but also open up new opportunities for democratization among entangled democratic

⁴⁶⁵ Heininen & Southcott 2010

demoi in overlapping socio-ecological habitats.

Symbolic violence? The present ethno-political controversies are sometimes simplified in terms of opposing social groups, even though multiple group membership is the rule rather than the exception. For the indigenous rights movement, “strategic essentialism” may sometimes seem necessary to counter the neutralized “methodological nationalism” of the hegemonic culture. But the simplifications of strategic essentialism will be criticised more readily than the simplifications of methodological nationalism, because the latter is more institutionalized as collective perception.⁴⁶⁶ That collective perception is based in selective schooling, and thus, it is not only collective knowledge, but also collective ignorance. It is “symbolic violence” in the terminology of Pierre Bourdieu.⁴⁶⁷ Such symbolic violence is reproduced by the Progress Party, the True Finns and by social scientists who are ignorant of the progress in cultural research. Much of the rhetoric against indigenous rights is based on the false presumption that colonization never took place, and that the nation-states provided equal chances for all. Those rhetorical forms constitute a *nationalist and colonialist doxa*. Confronted with this *doxa*, it may or may not produce misunderstandings when the Sámi people are characterized as a “stateless nation”. The treaty from 1751 that guarantees the Sámi right to border crossing rightfully used the term “Lappiske Nation”, which at the time was used to refer to each of the population groups within the same state. The exhibition about the Alta-dam struggle at the Tromsø Museum rightfully use the title “Becoming a Nation”, referring to the process whereby Sámi belonging was turned from social stigma to political resource, allowing for the Sámi people to become a democratic fellowship, not a suppressed minority in their own land.⁴⁶⁸ Therefore, Per Otnes is correct *not to regret*⁴⁶⁹ that he called his classic book “Den samiske nasjon” (The Sámi Nation).⁴⁷⁰ All this may be difficult to grasp for readers whose interpretative schemata have been formatted by nationalist *doxa*. For such readers, “nation” means “aspirations to statehood”. However, the Sámi people have been forced by necessity to invent forms of democratization that overcome the suppressive limitations of the nation-state. Sámi culture is highly heterogeneous, and the political culture of Sápmi has been in an ambiguous relationship with the states for 500 years. Thus, the Sámi experience shows that nation-states always were utopian, and that a virtually coherent, bounded national culture could not be maintained without silencing and suppressing the geographically overlapping nations. The condition of cultural and ecological complexity would not have been easier to contain within a hypothetical Sámi nation state. That may be the reason why such an alternative never emerged as a political option. However,

⁴⁶⁶ Bauböck 2008

⁴⁶⁷ Otnes 2005

⁴⁶⁸ Bjørklund et al. 2000; see also *Ottar* # 4, 2000 (Thanks to Aage Solbakk for sharing those sources.)

⁴⁶⁹ Otnes 2006

⁴⁷⁰ Otnes 1970

if the bearers of nationalist and colonialist *doxa* continue to misinterpret indigenous rights as “aspirations of statehood”, and continue to bloc the implementation of indigenous rights, then they might force a separatist movement to emerge as the only viable form of defence.

Centre-periphery tensions: Another way to simplify the controversies may be in terms of centre-periphery cleavages. On the one hand, the three Sámi parliaments may sometimes function as state-certified promoters of standardized Sámi culture. That is an emulation of the state-certified nation-building of the past. Thus, there is a state-certified multiculturalism from the centres. On the other hand, Radical indigenous rights movements such as the Riddu Riddu festival foster cultural exchange among cultural practitioners and common folk. They mobilize social movement coalitions that are culturally pluralistic, with conflict issues that are locally integrating.⁴⁷¹ Consequently, there is oppositional cultural pluralism from the provinces. In the tension between state-certified multiculturalism and popular cultural pluralism, there is a field of professionals working with indigenous rights issues: social researchers, politicians, and activists.

Such concerns are relevant when I as a Norwegian deal with the ethno-culturally pluralist Sámi areas in the Alta and Deatnu water systems. Contentions regarding indigenous belonging are lively in Coastal Sámi communities in downstream areas, as well as in upstream areas in Finnish Sápmi. A useful theory has been developed in Kåfjord, a Coastal Sámi area with strong elements of Norwegian and Kvän ethnicity and culture. Indigenous rights activists and committed social scientists in that area came up with a distinction between «divisive issues» versus «integrating issues».⁴⁷² Since this is a political study, we could translate those distinctions into more Machiavellian terms: The concept “divisive issues” can be translated as: “the elites in central areas dividing and conquering the population of a colonized periphery”, while the concept “integrating issues” can be translated as “joint resistance from the province against the colonial centre”.

5.4.0 Negative and positive findings in the overview chapter

5.4.1 Negative findings: some possible errors in the geographical overview

This geographical introduction chapter is selective, but it is not supposed to be anything else. It

⁴⁷¹ Pedersen & Høgmo 2012

⁴⁷² Pedersen & Høgmo 2012

merely sketches a very general macro process of gradualist progressive reforms, which is to be unpacked in the empirical chapters that follow. What form of political bias or position does this selectivity imply? For historical geography, as for all history and all causal analysis, data selection is model dependent.⁴⁷³ Those models, in turn are selected for their practical relevance.⁴⁷⁴ This historical-geographical chapter is no exception.

The selected data for the present chapter was register data in two forms: mostly GIS (geographical information systems) presented in maps, and also statistics of election results in each municipality. Those data are freely accessible on the internet. I did the most basic, descriptive analysis of the election results, and proceeded directly to interpretation of those and the GIS maps. (The European Social Survey turned out to be useless because the number of respondents in the selected municipality was too small to give significant results.) GIS-data has been selected to provide data about landscape ecology. Election statistics were used as an indicator of political preferences. Both were used to describe a socio-ecological environment, and to trace how state transformation appears to take place as a response to those environmental conditions.

The analytical unit of interest is two adjacent *watersheds*. The choice of unit is dictated by research interest. I do not believe that bioregions are the only relevant units for political geography. I chose to trace the evolution of bioregional management, in a similar way to how Rokkan in his Conceptual Map of Europe chose to trace the formation of national democracies.⁴⁷⁵ Rokkan gave a general overview over how nation-builders succeeded in creating more or less uni-national states. Ostrom, by contrast, has suggested some general mechanisms to describe institutional change at multiple levels, under conditions of ecological and sociological complexity. The present chapter has given a general overview over how some formerly uni-national states have become further democratized, by progressive adaptation to the actual ecological and sociological complexity in a trans-boundary region. One may discuss exactly which unit is relevant for human purposes.

The causal model selected is one of *gradual, progressive adaptation*. Rokkan applied such a causal model when he asked whether nation-builders “succeeded” in creating virtually unified national democracies.⁴⁷⁶ Ostrom also applied a model of gradual adaptation when she discussed “organizational learning” at multiple levels of aggregation.⁴⁷⁷ They both apply causal models of gradual progressive adaptation, and both address both micro and macro levels. Both belong to a broad functionalist tradition. In the present chapter I have also applied a causal model of gradual adaptation, like Rokkan and Ostrom. Similarly to them, the present chapter has explained state

⁴⁷³ Carr 1987 (1961); Holt-Jensen 2006:31

⁴⁷⁴ Klemsdal 2000; Carr 1987 (1961): Appendix “Notes towards a Second Edition of What is History?”

⁴⁷⁵ Rokkan & Flora 1999

⁴⁷⁶ Rokkan & Flora 1999

⁴⁷⁷ Ostrom & McGinnis 2012

transformation as a process of *functional adaptation* to the actual complexity of the actual resource geography and the actual cultural geography in a trans-boundary region. Functional adaptation is a process of functional optimization within given environmental conditions. One might discuss what function is more relevant for human purposes. I have chosen to emphasise landscape ecology, and this choice was informed by the practical purpose of the research.

The practical purpose guides the choice of analytical unit and causal model. Rokkan's question about how nation-builders "succeed" was of relevance to the development of (uni)national democracies. Ostrom's question about "organizational learning" at multiple levels is of relevance to the development of multi-level democracy. Like Ostrom, this chapter discussed how one might overcome the particularist bias of national democracy, and proceed towards multi-level bioregional democracy. Rokkan argued that progress towards more democratic political practice had led to progress towards a more democratic political science as well.⁴⁷⁸ Ostrom's contribution may be seen as a further democratization. I radicalise her effort at democratization by seeking to contribute to a decolonised political science. My work should not only be seen as a continuation of Rokkan's study of gradual progress, but also as a break with his normative nationalism. Rokkan framed the history of political science and political practice optimistically, as one of continuous, gradual progress. However, as I pointed out in Chapter 2, the liberal nationalism that brought democratization to the Norwegian minority also brought eugenics and colonization to the indigenous people in areas where Norway and Sápmi overlap.⁴⁷⁹ I see paradox where Rokkan saw progress. I am much more reserved in my enthusiasm for the co-evolution of political science and political practice.

Causal models of gradual, progressive adaptation at a macro-level are double-edged swords. They may be used to enlighten and liberate, but also to obscure and suppress. Such models are an ingredient in progressivist ideologies of reform, but also in colonialist ideologies of superiority. Similarly, there are two reasons why in this chapter I have used the causal model of gradual, progressive adaptation. One purpose is to document actual socio-ecological processes. Another purpose is to invite the reader into my research without confronting hegemonic, optimistic narratives about European integration. However, we should not be uncritically optimistic about regionalisation, europeanisation and globalisation in the present generation, like we should also not be uncritically optimistic about nation building in the previous generation. The actually existing Sámi Parliaments have met resistance from various minorities-within-the-minority, such as the Coastal Sámi and the Kväns, in a similar way to how the nationalistic bias of the uni-national democracies was resisted by the Sámi awakening. Subaltern voices have been silenced. This poses a practical challenge for political practice and science. The problems are well known within the

⁴⁷⁸ Rokkan 1970: 13

⁴⁷⁹ See also Jensen 2013

sociology of development. During the Cold War, both superpowers justified imperial tutelage in third world countries by pushing two competing “unilineal” models of development, Structure-Functionalism and Marxist-Leninism.⁴⁸⁰ Such sociologies/ideologies were particularly harmful for indigenous peoples, who were stigmatized as uncultured, lawless and without property rights.⁴⁸¹ The problem is not evolutionary ecology, which is neo-Darwinist. The problem is *ethnocentric sociologies of development*, which may be Social-Darwinist, Structure-Functionalist or Marxist-Leninist. While evolutionary ecology assumes that evolution is blind and history has no direction, the ethnocentric sociologies of development prescribe one-size-fits-all standards for development. Those standards have been used to justify colonial resource grabbing, and therefore they have produced the underdevelopment they have claimed to fix. Sámi under the Soviet Union were subjugated to Marxist-Leninist civilizing missions. Sámi under Norway/NATO were subjugated to civilizing missions as well, justified by Structure-Functionalist sociologists such as Stein Rokkan. The indigenous peoples of Sápmi have had enough of developmental thinking being misused to justify racial suppression and colonial resource grabbing. For indigenous human rights movements, as well as for other environmental justice movements, ecological issues matter, and resource grabbing matters as well. Therefore, it is positive that some political scientists show interest in evolutionary ecology,⁴⁸² but such attempts have to address the historical and contemporary misuse of evolutionary theories as tools of colonial domination.⁴⁸³ Environmental justice movements need to bring evolutionary ecology *back in*, but also to need to *kick out* ethnocentric sociologies of development. The present chapter has contributed to the former task, but not to the latter. In order to overcome this potential bias, I will do two things:

The first thing I will do is to “unpack” the grand narrative that was provided in the present chapter. I have now provided a very sketchy overview of state transformation as a process of functional adaptation in two particular watersheds in Sápmi. However, in the remaining empirical chapters I will zoom in on and trace some of the particular pathways whereby this process has actually taken place. I will do what Coleman suggests with his famous “bath tub” model: if I want to explain how some macro phenomena (Explanans 1 and 2) influence another phenomenon (Explanandum), then I have to take the detour of tracing how the particular causal pathways (paths i, ii and iii) actually operate *at a more microscopic level of analysis*. For Coleman, it is only at the micro level one can specify valid mechanisms, and if one does not make the detour through the micro level, he would call it “ecological fallacy”. The present chapter has only sketched a general overview over paths i, ii and iii at macro level. It is therefore an ecological fallacy for Coleman

⁴⁸⁰ For more on the “unilineal” model of development, see Hulme & Turner 1990: 39

⁴⁸¹ Wolf 2010 (1982)

⁴⁸² Steinmo 2010

⁴⁸³ Eriksen & Hessen 1999

when I will conclude this chapter by suggesting a hypothetical explanatory “macro mechanism”. But the other empirical chapters are dedicated to unpacking this macro mechanism, by unpacking particular paths at micro-meso level. Thus I try to overcome ecological fallacy.

The second thing I will do is to confront the causal model of functional adaptation with another causal model of aleatory blind causality. After all the empirical chapters have specified the functionalist model, I will turn to a theoretical discussion of the competing theory, the clear-cut “realpolitik” perspective. Thus I try to control for the potential bias of wishful thinking.

5.4.2 Positive findings: “ecological adaptation of state”, a possible macro-mechanism

Correlation is not causation. This chapter has interpreted aggregate data: GIS and election statistics. We have observed large-scale “correlations” between some properties in the explanatory factors (Explanans 1 and 2) and changes in the state formation (Explanandum). However, this does not say much about causation. Correlation is not causation. This is why we need concepts, hypotheses, or models about what causal pathways might be possible.

Explanandum	= state transformation, <i>formal rules</i> in the governance system in a social-ecological system
Explanans 1	= landscape geography, the resource system within a social-ecological system + cultural geography, <i>informal rules</i> in governance system of a social-ecological system
Explanans 2	= decrease in collective ignorance, increased knowledge of landscape and cultural geography

The Explanandum appears to be gradually fitted to Explanans 1, both through a direct path (i), and through an indirect path (ii. iii), via an interacting explanatory factor, Explanans 2. Those three paths may be summarized as follows:

Path i): The direct path (i) appears as a process of *progressive adaptation*, where state-certified laws and science regarding nature management function better and better in relation to the actual socio-ecological environment.

Path iii): The progress in scientific knowledge implies gradual decrease in collective ignorance within scientific knowledge (iii).

Path ii): Since we also observe close interaction between science and society, it appears to be a gradual decrease in ignorance also within the folk's lore (ii).

In summary, we observe a gradual accumulation of knowledge and a gradual progress of more suitable laws. This process of functional adaptation may be characterized as organizational learning at multiple levels. This term is used by Elinor Ostrom to describe institutional change.⁴⁸⁴

⁴⁸⁴ Ostrom & McGinnis 2012

At the very basis of this model is the concept of two-way causation, or “emergence”, including ecological and sociological feedback effects, or «homeostasis». Such an explanatory model is «functional», in a systems theory sense. Mathematically, this process could be represented by defining the Explanandum as a function of Explanans 1 and 2, while Explanans 1 and 2 are functions of the Explanandum. This could describe a process of mutual causation or co-evolution.

In this chapter a historical-geographical process of functional adaptation appears as a process approaching towards perfection or equilibrium, as a mathematical “limit value”. This is a rather optimistic view. It may or may not be over-optimistic.

Table 5-3: *An observed macro-mechanism: ecological adaptation of state*

<i>Ecological (or progressive) adaptation of state (macro-mechanism)</i>
i: progressive adaptation (of state-certified a. norms & b. science) (lim)
ii: gradual decrease in ignorance within the folk's lore (lim)
iii: gradual decrease in ignorance within scientific knowledge (lim)

What appears as a process of progressive adaptation on the macro level is to be further unpacked in the further empirical chapters. There, some more particular mechanisms are found. We will zoom in and trace particular causal links in high resolution. This chapter describes the pathways (i-iii) at the systems level (macro), thus we “blackbox” the mechanisms at an aggregate level. For now, I assume that the system possesses emergent properties that are irreducible to lower levels of aggregation (micro). I adopt a causal model of gradual progressive adaptation. However, as I observed under “negative finding” above: such models may be rather problematic, especially when they are being used in postcolonial settings. Causal models of gradual progressive adaptation are found in ethnocentric one-size-fit-all models of development, which have been used to justify resource grabbing and imposed underdevelopment in Sápmi and other indigenous homelands. Recent attempts to build regional and multi-level forms of democracy, such as the Sámi parliaments or the EU environmental policy, make it easier to address the particularism of earlier, nationalist models of democracy. However, the Sámi parliament has been met with criticism from various minorities-within-the-minority, similarly to how the Sámi activists earlier criticized the national(ist) parliamentary democracies in Norway, Sweden and Finland.

We will now unpack the “blackboxed” *progressive adaptation of state*, and reveal some of the more particular processes (or subaltern struggles) that are being concealed (or silenced) within the macro-historical narrative.

6.0.0 ALTA-DAM CONFLICT 1968-1983: A SOCIAL HISTORY

6.1.0 Case I: the Alta-dam conflict 1968-1983

The Alta-dam conflict was a social struggle for and against hydropower development in the Alta-Kautokeino River, in “Norwegian” Sápmi. It started discreetly in 1968, became public in 1970, reached a formal legal decision in 1982, and went on until opposition was suppressed in 1983. This peak of eventful protest gave a boost to the Sámi human rights struggle. It also was a key event for the environmental movement in the Nordic area. The controversy started as a localized conflict within the Alta watershed: Some local community networks pushed for industrial development. Some other local communities and networks pushed for protection of the natural and cultural heritage. However, the conflict scaled up to become a *constitutional crisis* in the entire state that was in control of this river, and this historical event contributed to the *re-constitution* of the state. In the *narrow meaning* of the term, a *constitutional process* was started when indigenous rights activists in the anti-dam coalition succeeded in making the government appoint the Sámi Rights Commission, in 1970. After several new but less spectacular cycles of contention, the reports from the commission would eventually lead to an amendment of the Norwegian Constitution in 1988.⁴⁸⁵ That was half a decade after the end of the Alta-dam conflict. However, this dramatic event gave the process a flying start. The Alta-dam conflict also contributed to a *constitutional process* in the *broad meaning* of the term. It might be seen as a nonlinear break in the gradual adaptation of policies for environmental protection and indigenous rights. Prior to the conflict, state policies were directed towards industrial progress, while the sustainability of the natural and cultural heritage was a more marginal concern. After that conflict, various international treaties and local struggles would lead to the gradual accommodation or co-optation of some policies for environmental protection and indigenous rights.

The *constituent power* of the Alta-dam conflict is the issue of interest when I approach this event through a historical-sociological single-case study. The present chapter is a historical description. The next chapter is a sociological interpretation. The *empirical data* is mainly selected from the already accumulated archival and interview research, by Øystein Dalland and Lars Martin Hjorthol.⁴⁸⁶ The historiography of the Alta-dam conflict, as all historical research, is bound to

⁴⁸⁵ Norwegian constitution http://lovdata.no/dokument/NL/lov/1814-05-17/KAPITTEL_1-5#KAPITTEL_1-5 Last accessed 5. May 2014. By 17 May 2014, paragraph 110 had become further revised.

⁴⁸⁶ Dalland 1994; Hjorthol 2006

remain preliminary. I have filled some small gaps in the documented knowledge, by doing my own archival research. However, it is not as a historian that I make the main contribution (with this project). Some *explanatory concepts* are also needed for the political historian to sort her data, identify possible causal linkages, and present this hypothetical explanation in the form of a narrative. This basic methodological insight, from Benedetto Croce, via E.H. Carr and Fernand Braudel, to Peter Burke, blurs the distinction between history and sociology.⁴⁸⁷ There are merely *differences in degree* between *pure history*, *social history*, *historical sociology*, and *pure sociology*.

The *present chapter* leans slightly towards the *historical* pole of that continuum. To sort data, identify a process, and present this, I have used concepts about coalition formation, resource mobilisation and collective framing.⁴⁸⁸ But those concepts remain implicit in the present chapter.

The *following chapter*, however, will address the explanatory concepts explicitly. That chapter veers more towards the *sociological* pole of the mentioned continuum. There I will theorize about the *constituent power* of the two pro-dam and anti-dam coalitions. I will trace the emergence of socio-material practice networks, their dynamics, their interactions, and eventually, how they upscale and transform the *socio-material hegemony* within a state formation.⁴⁸⁹

6.2.0 Introduction to first chapter of case I

The literature on the Alta-campaign is large, but most of it is polemics, published during the years of contestation. Systematical historical studies are scarce. Twelve years after the conflict, a chronology was published.⁴⁹⁰ Twelve years after that came a journalistic narrative, built on newspaper articles, de-classified documents, extensive interviews, and participant observation.⁴⁹¹ Both authors gathered data from archives and interviews. The second study added to the knowledge that had been gathered by the first one. The two authors, Øystein Dalland and Hans-Martin Hjorthol, together accumulated a body of knowledge that we may call the *historiography* of the Alta-dam conflict. Both have written *a history* of this struggle, but *the definite history* does not exist. As with all scientific inquiry, the historiography of the Alta-dam conflict remains provisional. Furthermore, this is also one of these historical topics that remain notoriously controversial, because of its significance for contemporary social conflicts. Both Dalland and Hjorthol knew the anti-dam

⁴⁸⁷ Carr 1987 (1961): 21; White 1973; Burke 1991

⁴⁸⁸ The concepts are taken from Della Porta & Piazza (2008), but could also have been taken from Staggenborg (2002).

⁴⁸⁹ There will be added some concepts from Latour (2004) and from Laclau and Mouffe (1985).

⁴⁹⁰ Dalland 1994

⁴⁹¹ Hjorthol 2006

campaign from inside. Both were participant observer, and also, observant participants. The sociologist of law Thomas Mathiesen, another participant in the same controversy, might have called them *action researchers*.⁴⁹² Both Dalland and Hjorthol have asked research questions of relevance to some of the specific political participants which were involved. The most interesting one for me is the more recent one of those two authors, because he has accumulated more information than the former. Hjorthol is frank about his own stand point and perspective in relation to the events he describe.⁴⁹³ He was involved in the conflict as journalist for the newspaper *Klassekampen* (The Class Struggle), and was active in the Maoist party AKP(ml). He focuses on the anti-dam bloc rather than the pro-dam movement, and within this limitation, he puts all natural-scientific issues in brackets and zooms in on the indigenous rights struggle. There is nothing wrong with his research method. However, he has chosen to inquire about issues of practical relevance to his specific part of the movement. There is nothing wrong with this. It is laudable that he is explicit about his own perspective, so that others can assess it, and choose to approach the same data from different angles. He suggests bold generalizations about the general will of the people, and also, of the unity of central power. I am more interested in unravelling some of the actual ambiguities and pluralities that may be hidden within those broad terms, and instead tracing particular alliances, networks, coalitions, cleavages and blocs of power.

The following historical narrative builds on the data that has already been accumulated through Dalland and Hjorthol. Where I found this already constituted body of body of knowledge to contain gaps and holes regarding the processes I wished to explain, then I turned to the primary sources in order to fill in some of the gaps. As a result I ended up with data which indicates a slightly different version of the story than the one presented by Hjorthol. He frames the main conflict line as one between a monolithic political system and a plural popular resistance.⁴⁹⁴ That does not correspond too well with his data, which indicate a considerable cleavage within the local population, and also, a similar rift within the executive power. The conflicts within the state and within the people are not what he chose to focus on. However, those are issues that I wished to investigate further.

Through archives and interviews, Hjorthol managed to gain some access to the closed internal mechanisms of the Norwegian Labor Party. He documented profound internal struggles within the party apparatus, even within the government itself. Similarly, he also presents actual splits within the judiciary, within the national public media, and within academic elites. The internal ambiguities of the state apparatus and the social elites are evident already in Hjorthol's own book.

⁴⁹² Mathiesen 1993

⁴⁹³ Hjorthol 2006: 14, 38

⁴⁹⁴ Hjorthol 2006: 11,13

What is less evident in his work is that both the pro-dam and the anti-dam blocs had a *social basis* among subaltern groups in the local human ecology within the Alta-Kautokeino river basin. I have found a few indications of those actualities, by building on some ethnographical descriptions produced around the same time as the Alta-dam struggle.⁴⁹⁵ These sources provide bits and pieces of a potential historical anthropology of the Alta-dam struggle. What is clear is that not all local subalterns, not even all indigenous Sámi, were committed to the anti-dam cause. Some were even active supporters of the pro-dam cause. It is also clear that not all *social elites* were in the pro-dam camp. Also the anti-dam camp included some very resourceful elements. The details I have found will be revealed in the present chapter. However, further research in the same direction would be useful. Additionally, I have also completed a discourse analysis of some of the most central documents for the final Supreme Court decision in the Alta-dam case.⁴⁹⁶ Here I try to inquire how the judge argues in his judgment of the proofs that were put forward by social anthropologists and salmon ecologists. Thus I try to delve into the *politics knowledge*, in order to search for cleavage structures in the struggle for proofs. In particular, I address the political use or misuse of competing natural sciences, an issue that was totally omitted by Hjorthol. The present chapter will reveal what I have found regarding this issue as well. Also regarding the politics of knowledge, it would have been useful to carry out further historical research on the Alta-dam conflict. My own contribution remains provisional, like each specific contribution to every specific historiographical discourse. My small contribution is to try pushing beyond *political history* in the narrow sense, towards *social and cultural history*. With the emerging social movements in the 1970s, historians took a renewed interest in the sociological and ecological basis of history. Famous examples are Cipolla, Le Roy Ladurie and Zemon Davis.⁴⁹⁷ The feminists coined the slogan “the private is political”, and if that is true, then social and cultural history is actually an expanded form of political history. There was a wide socio-cultural transformation, re-constituting both the arrangements of power and the disciplines of knowledge, and the Alta-dam conflict was one particular constituent part of this wide process. I look back in this process from a standpoint within social and cultural history. I observe the past in terms of the present, but this past has also produced the situation from where I observe this past. All history is contemporary history. I have searched traces left behind by the past. Some such traces I found in the library and archives at the Norwegian Folk Museum, at the Norwegian National Archives, and at the municipal archives of Tromsø (Romsa, Tromssa). Some further traces were found through brief visits at the archives of Alta Museum and the public library for Finnmark

⁴⁹⁵ Fieldwork reports: On downstream areas in the Alta watershed I have used Horgen; Jan & Norddølum, Helge 1978 (published as a contributions to an official “white paper”, see Norwegian Official Report 1978a (NOU 1978:18A), pp. 181-188). On reindeer nomadism between upstream and downstream areas I have used Bjørklund, Ivar and Brantenborg, Terje 1981 (published book with the expert witness report given for NRF for the Supreme Court case.)

⁴⁹⁶ Norwegian Supreme Court 1982

⁴⁹⁷ Le Roy Ladurie 1973; Davis 1976; Cipolla 1975

County, and an informal interview with an employee at the Norwegian Water Resource and Energy Directorate. I owe thanks to Tone Odden, Merete Ødegaard, and Inger Helene Waagaard; at the Norwegian Folk Museum, Alta Museum and the Norwegian Water Resources and Energy Directorate. Those institutions and persons deserve credit for my findings, while I remain responsible for my errors. I intended to complete further research at the two latter institutions, and I think this should be a priority for future research.

This chapter follows the ebbs and flows of the tension between two antagonistic coalitions. This *dramaturgical* tension will be traced across three “acts”. Historical descriptions imply some dramaturgical structure.⁴⁹⁸ Public protest has a dramaturgical structure as well. Chales Tilly describes public protest as an issue of doing or acting, “contentious performances”.⁴⁹⁹ Theatres of protest are acted out in real terrains, as *tactical theatres*. Public protest is also being acted out in a similar way to *performance art*: The action is symbolic and theatrical, but real human bodies are involved.⁵⁰⁰ The actors are also real persons, and the audience may be provoked to involve themselves on stage. Such spectacles are *participatory* contentious performance art, similar to what Augusto Boal calls “the theatre of the oppressed”.⁵⁰¹ In the Alta-dam conflict, *the oppressed* found themselves *divided*, by getting involved on each side of the dramaturgical tension. Sámi fisher-peasants in downstream areas wanted industrial development, and tended to frame the anti-dam bloc as their antagonist. Sámi outfield users in upstream areas wanted to defend the local human ecology against destructive resource grabbing, and they framed the pro-dam bloc as the antagonist. Each block was the hero in its own version of the drama. Who might have been progressive or reactionary depended on one's position and viewpoint within the theatre of protest. However, because each bloc defined itself in opposition to the other, they both framed the social conflict as a rather clear-cut dramaturgical polarization. The following texts divides the dramaturgy of the theatre of protest into three “acts”, each following the build-up of tension between protagonist and antagonist, and ending when tension is released. There are three rounds in the match, so to speak.

⁴⁹⁸ White 1978

⁴⁹⁹ Tilly 2008

⁵⁰⁰ Vergine 2000

⁵⁰¹ Boal & Jackson 2002; Freire 1968

6.3.0 Act I, 1970-1979: pro-dam action meets local resistance

The *public* contention about hydropower development in the Alta-Kautokeino River started accidentally in 1970, in Máze, a small local community in inner Finnmark.⁵⁰² The municipal administration had obtained a map of the area from the state administration. It was a big surprise, when the map showed that the municipality was going to be put under water by a planned dam, which was going to serve a hydroelectric plant. Naturally, a local action committee was immediately formed to put forward claims for the protection of the local community. That was the beginning of what I will call the first round of contestation in the Alta-campaign. The contestation started when the pro-dam movement met local resistance in 1970, and would last through attempts from both sides to influence the conventional policy process. It would also continue through adaptation of unconventional repertoires of action, until tension was temporarily relaxed in 1978, when military action was avoided. However, the conflict lines had emerged two years earlier, and the reason why there was no contestation earlier, was that the Ministry of Industry had kept the planning process secret, which in itself can be understood as a contentious tactic to handle a controversial issue.

In 1968, the planning of the hydropower plant had started as a closed process,⁵⁰³ inside a tightly integrated and centralized network of techno-scientific expertise, consisting of the Ministry of Industry, and its two executives NVE and *Statskraft*. The latter was to apply for license to build the hydropower plant, the former to consider the application. Both were organized as one single hierarchy.⁵⁰⁴ This was the actualization of the ideal of an activist state. The central cluster of committed professionals who maintained this organizational structure was closely aligned to a political coalition between the syndicalist movement and the nationalist movement. The coalition had emerged in 1936. Then, the first viable Labor government had been created, by instituting centralized coordination between interest organizations for labor, capital and agriculture - a corporatist system. The economic policies initiated had been further developed by the national socialist party during the Nazi occupation, from 1939 to 1945.⁵⁰⁵ Nazi occupation had also empowered national-patriotic sentiments: Some, like the Labor movement, had been sympathizing with the resistance against occupation, others, like the Conservative party newspaper, *Aftenposten*, had been collaborating with the national socialists. When occupation ended in 1945, a unity government had been created. The liberal historian J.A. Seip called it a “national unification” -

⁵⁰² Hjorthol 2006

⁵⁰³ Chronology: This is in the back of Hjorthol (2006), who got many dates from Dalland (1994)

⁵⁰⁴ NVE employees: informal interview at a wind power conference, Stiklestad, 25.-27.08.2014

⁵⁰⁵ Furre 1996

ironically using a phrase similar to the name of the Norwegian national socialist party.⁵⁰⁶ Labor was the senior partner in the coalition. Re-construction boosted a wave of regional industrial development, led by the activist state, especially in Finnmark County, where settlements had been burned during the withdrawal of the Nazi occupation army. Finnmark Labor was strong in the region, with traditions of communist and syndicalist activism. The central command of the party met the claims of their comrades in the most neglected region of the state, in order to integrate the nation. A plan for the development of the Northern peripheries had been enacted already in 1951, meeting demands from the radical Finnmark Labor party, but also adopting an ideology of national integration from the Marshall Aid programme.⁵⁰⁷ With support from industry-owners, the Ministry of Industry started planning a hydropower plant in the Alta-Kautokeino River. In 1968, when planning started in secret, the activists of the activist state certainly knew about a Supreme Court decision the same year, which advanced a competing way of framing regional development and regional interests. Another hydropower project – also in a northern province of Norway – had been contested by local Sámi population working in nomadic reindeer husbandry.⁵⁰⁸ The Supreme Court had judged that the nomads had a customary right to use land and water, comparable to the private property of the farmers, in cases where land and water was to be expropriated for hydropower development. The decision had been given customary legal weight in a context of state law. The new juridical practice had potentially large implications for the territory that the Alta-Kautokeino River runs through. The river connected the Finnmark coast, traditionally inhabited by sedentary fishers-farmers, with the Finnmark plateau, where nomadic reindeer husbandry was still going strong. In the Finnmark plateau, land and water were commons, not divided in private property. The authority over those commons remained an unresolved issue.⁵⁰⁹ At the middle of the 18th century, activists of the absolute state had claimed the land and water under The Crown, but the local nomads had practiced their own political system, state-less but territorial, since time longstanding before the 16th century. The two events in 1968, the Supreme Court decision and the start of the planning process, built up a strong potential tension, which was released when information accidentally leaked out to the local Sámi community: The Labor party regime planned to dam a valley, thus drowning Máze's entire habitat. After the Nazis had been beaten and discredited, suppression of the indigenous minority was gradually slacking.⁵¹⁰ Post war re-construction of the nation was increasingly state-activist, under the control of a coalition between industrial and

⁵⁰⁶ Seip 1963

⁵⁰⁷ Slagstad 2001 (1998)

⁵⁰⁸ Aarseth 2006; Hjorthol 2006: Appendix: chronology

⁵⁰⁹ Ravna 2005

⁵¹⁰ Aarseth 2006

syndical interests, and under the influence of Marshall Aid, they had become a growth machine.⁵¹¹

In 1970, when the plans for development of the Alta-Kautokeino River became known, it triggered a series of protests, the first regarding physical-geographical issues. The first ones to react, was naturally the population of Máze, who were supposed to be displaced. The locals organized a popular meeting. The invited representative of the government thanked them for a clear message. This had included threats of sabotage.⁵¹² In the neighbouring municipality, Alta, the local parliament made a formal protest (1971). The local communities of Alta and Máze are rather small, the latter with predominantly Sámi population and located at the Finnmark Plateau. But protests also came at an inter-state level, from Finnish diplomats (1972), after they realized that the Norwegian activist state planned to disturb the flow of water from lake Išjávri, that feeds, an inter-state boundary river Deatnu. The ambitious plans drafted by the Ministry of Industry adjusted during the initial phase of contestation. The existence of Máze was saved by parliamentary decision (1973).⁵¹³ In Alta, local activists formed a commission, *Altatvalget*, aimed at influencing the policy process by research and lobbying. Now, the environmental movement entered the scene, and started to exercise influence over legislation as well as government. Activists from most parties were engaged, and the leader of *Altatvalget* also represented the Liberal Party (*Venstre*) in the local parliament.⁵¹⁴ The issues of local knowledge and environmental expertise also entered the policy process through the committed civil servants of the new Ministry of the Environment, established 1972. The two social movement coalitions clashed in inter-departmental struggle in 1974. An application for concession to build the hydropower plan had been delivered by *Statskraft*, which was controlled by the Ministry of Industry. The planning process and the plan itself were heavily criticized by the civil servants of the Ministry of the Environment, but the colleagues in the Ministry of Industry threatened open confrontation within the government, which the new and small department had nothing to gain from.⁵¹⁵ The Ministry of Industry, however, had to compromise with the diplomatic demands of the Finnish state. Then, the Ministry of the Environment took action by making a commission for a thorough investigation of the resources of the Finnmark Plateau, including biological and cultural aspects, and customary rights (1975). The government, however decided to process the issue of the Alta-Kautokeino power plant as an emergency issue, and took it out of the mandate of the resource commission.⁵¹⁶ The rationale was an official prognosis - certified by the Ministry of Energy - claiming that an energy-crisis was imminent in the northern periphery. Though internal disagreement from within the planning process would later be leaked, this information had

⁵¹¹ Slagstad 2001 (1998)

⁵¹² Hjorthol 2006

⁵¹³ Hjorthol 2006

⁵¹⁴ Hjorthol 2006: Appendix: Chronology

⁵¹⁵ Hjorthol 2006

⁵¹⁶ Aarseth 2006

not been divulged by the leadership of the Ministry of Industry.⁵¹⁷ Finnmark Labor party enjoyed close ties to the planning officials, and the official prognosis received much attention in the target region. Advocacy groups for and against the dam aimed at influencing the policy process. The decisions of local and regional parliaments may give some indicators of a population deeply divided on the issue of the planned hydropower plant (Table 6.1).

Table 6-1: Indicator of a split population

*Local and regional parliamentary stances to development of the Alta-Kautokeino River, 1976*⁵¹⁸

Place and political level	votes (percent)			Attributes of assembly: Social geography, party dominance
	anti-dam	pro-dam	total	
Kautokeino municipal parliament	12 (71)	05 (29)	17 (100)	Inland area in Finnmark, thus Sámi assembly
Alta municipal parliament	30 (66,6)	15 (33,3)	45 (100)	Coastal area in Finnmark, thus ethnically mixed assembly. Strong Labor party.
Vadsø: Finnmark County parliament	11 (32)	24 (71)	32 (100)	All areas of Finnmark, mixed, but mainly Norwegian assembly. Hegemonic Labor party.
Oslo: Norwegian national parliament (1978)	36 (29)	90 (71)	126 (100)	Nation-state territory. Purely Norwegian assembly. Hegemonic Labor/Conservative parties

The plan now mainly involved two local municipalities. State-activism had been de-radicalized, by the protection of Máze, and of the Deatnu River that was shared with Finland. The plan was now limited to a river that connects the territory of two local municipalities: Alta in the coastal district, Kautokeino in the inland district. In both communities, the local parliaments took a stance against the plans. Kautokeino, a municipality with predominantly Sámi population, located at the inner Finnmark Plateau, took an anti-dam stance with two-thirds and three quarters majority. The result was much similar in Alta, an ethnically mixed community situated at the Finnmark Coast, where the anti-dam bloc gained two-thirds of the votes in the parliament, in spite of strong Labor Party traditions. The result at the regional level was opposite to that at the local level. In the Finnmark district parliament (*Finnmark fylkesting*), the anti-dam bloc was the minority, while the pro-dam bloc took between two-thirds and three quarters of the votes. This reflects the strong position of the Finnmark Labor Party and their unified official policy. It is worth to note that there

⁵¹⁷ Hjorthol 2006: Appendix: Chronology, ibidem

⁵¹⁸ All the results are from the chronology in Hjorthol (2006), partly based on that of Dalland (1994).

was no consensus regarding this issue, not in the two local parliaments, nor in the district parliament. Though the district parliament took a pro-dam stance and the local parliaments were anti-dam, each of those decisions was taken with about a two thirds majority – against a minority of one third. To the degree that political representation can be taken as representing public opinion, those votes may be taken as indicators that the people were split between the pro-dam and anti-dam camps.

In 1978, the national parliament was to take the final decision regarding the plans to develop the Alta-Kautokeino River. The local and regional parliaments had taken their stance, so the advocacy was now directed towards the national legislation process. That year, the anti-dam activists upscaled their activity, by mobilizing from all over the Norwegian and Sámi nations. Beyond these overlapping territories, they mobilized transnational activist networks. The front line between the movements still included inter-departmental struggles, and when the Ministry of Industry presented their plans for regulating the river (March), two more lakes were protected (Skaidi and Kvernangen). Thus they met the proposition from the Resource Commission for the Finnmark Plateau, the majority of whom would support the plans if moderated.⁵¹⁹ Local anti-dam activists started a popular action for the protection of the river: *Folkeaksjonen for vern av Alta-Kautokeinovassdraget*. This membership organization aimed at nation-wide support within the Norwegian political entity, but unlike conventional NGOs, its central executive committee was not located in the capital city, but remained seated in the affected area.⁵²⁰ Thus, the activists inverted an organizational model for NGOs that normally had a central executive committee in the capital city. *Folkeaksjonen* was aligned with *Altautvalget*, but would use other forms of action, in order to gain wider grass-roots support, and shape public opinion. *Folkeaksjonen* was created by a group of experienced activists, and attracted more from a wide range of movements. They started the mobilization with a petition against the dam construction. From July to October, 15.000 persons signed the petition. These included 61% of the local population, plus sympathizers from over the Norwegian political entity.⁵²¹ The population targeted by the activism of *Folkeaksjonen*, was mainly defined by the territorial borders of the Norwegian nation-state. The traditional homeland of the Sámi people was less in focus, and was under the jurisdiction of several states. However, Sámi movements under various political entities fought several battles for the right to land and water around 1980.⁵²² The scope of *Folkeaksjonen* activities fit with the conventional policy process, centred on the institutions for majoritarian democracy in the Norwegian nation-state. Ironically, the local funders of the action assessed that Sámi rights to land and water were less appropriate an issue

⁵¹⁹ Norwegian Ministry of the Environment 1978a; Norwegian Official Report 1978b (NOU 1978:18B)

⁵²⁰ Hjorthol 2006

⁵²¹ Hjorthol 2006

⁵²² Svensson 1997

for local mobilization, than for promotion of the cause amongst the general Norwegian population.⁵²³ The strategy was to put main the focus on sustainable salmon fisheries locally, while nationally, this issue was combined with that of sustainable reindeer husbandry. Locally, salmon fishing was a right enjoyed by Norwegian and Sámi small holding farmers, but also by visiting angling tourists, and finally, by British “salmon lords” who had bought local properties along the river. Reindeer husbandry was a trade limited to Sámi nomads of the inland, who claimed customary rights with a contested status in state law.⁵²⁴ The SMOs *Folkeaksjonen* and *Altautvalget* were closely aligned to nation-wide NGOs. One of those was NNF (*Norges naturvernforbund*), founded in 1662, when an older organization for natural conservation had been converted to broader ecological issues, and aligned to the international Friends of the Earth.⁵²⁵ Another affiliated national NGO was NSR (*Norske samers riksforbund*), which had been started in 1968, following the establishment of the Nordic Sámi Council (*Sámiráđđi*) in 1959.⁵²⁶ NNF and NSR were both parts of the international wave of new social movements. Somewhat different was NRF (*Norske reindriftssamers forening*), which was a cooperative interest organization for reindeer husbandry, similar to the national agricultural coops. NRF had been funded back in 1948, when “Norwegianization” policies had not yet become slackened. Its establishment had been assisted by “*Lappefogden*”, a state institution for the administration of “Norwegianization”. An agreement between NSR and the Ministry of Agriculture was reached in 1976, similar in structure to the cooperation between labor, capital and agriculture that had been instituted exactly forty years earlier, (in 1936). Since the late 1800s, the Ministry of Agriculture had been overseeng what was defined as an evolutionary take over of agriculture at the expense of husbandry.⁵²⁷ This old ideological hegemony ideology was only gradually being contested. This was the historical context of the corporatist coordination between state and husbandry, which took place in 1976.

Among the ranks of NNF, NSR and NRF, many members were radicalised by the perceived impotence of ritualized bureaucracy in those NGOs, and were attracted to SMOs like *Folkeaksjonen*. More radical repertoires of action were already entering the Norwego-phone area.⁵²⁸ Already in 1970, civil disobedience had been used against hydropower development in Mørdala, South Norway. That had been an early action of the international Deep Ecology Movement, also starting *The Future in Our Hands*, and NGO framing international solidarity as a means of sustainability. For a contemporary reader, the latter frame “developing countries” in patronizing

⁵²³ Hjorthol 2006: interview with funders of *Folkeaksjonen*

⁵²⁴ Ravna 2005

⁵²⁵ Seippel 2001: 129

⁵²⁶ Aarseth 2006

⁵²⁷ Aareth 2006: 144-164

⁵²⁸ For an indication about the partly overlapping samo-phone areas, see Svensson 1997

terms in their funding manifesto.⁵²⁹ Deep Ecologists tend to take an anti-anthropocentric view on human population growth (Malthusianism).⁵³⁰ Neither of those ideologies had shared the radical anti-colonial view of third world nationalism, which had gained ground within the Sámi interest organizations, as well as within the Socialist People's Party. The latter had broken out of the Labor Party over the issue of NATO membership. A further bifurcation within the Socialist People's Party led to the establishment of the Maoist Party AKP (m-l). Members of the two latter parties were active in *Folkeaksjonen*, together with members of the so called "Centre Parties" (Liberal, Agrarian and Christian democrat). Sympathizers were found among dissidents in the ruling coalition (Labor and Conservative Parties). In public debate, *Folkeaksjonen* was accused of being a Maoist plot, but the district-secretary of Finnmark contingent of the party at the time argues that it was not, since the Maoists had decided for strategical co-operation, not a take-over.⁵³¹ In retrospect, it is hard to see that the Maoists could possibly have exercised any influence alone.

The liberal internationalism of the environmental movement, and the third world nationalism of Maoists and the Sámi rights activists, could both be regarded as cosmopolitical ideology in the transnational new social movements. Though the conventional policy process was nation-state-centric, *Folkeaksjonen* mobilized transnational alliances from the very beginning. The transnational indigenous movement had put their claims on the agenda for the UN's inter-state conference on racism in Genève (Aug. 1978), and the representative of the Norwegian government joined in by speaking well for the case of Native Americans.⁵³² At the same time, the transnational environmental movement served as infrastructure for NNFs mobilization of expertise. They recruited Scottish salmon zoologists who knew ecology, a recently developed expertise, relatively alien to Norwegophone scientific discourse. *Folkeaksjonen* mobilized for their petition from July to November, and managed to align themselves with this broad range of networks and groups within the new social movements: the national NGOs, the transnational contacts, and indeed the counter culture, whose discourse included committed professionals in mainstream Norwegophone news media, publishing houses and research institutions.

⁵²⁹ Primary source: Damman (1975). When I characterize the argument of this environmental organisation as paternalistic, then it is relative to its counterpart during the same period, the marxian anti-colonial critique. (Primary sources: Fanon 1961; Wallerstein 1979). – *Interpretation*: The first half of Damman (1975) is an argument for radically increased development aid. The first argument is that “we” have a moral debt to “them”, because the richness of industrialized nations were build up by colonial exploitation of the national economies of developing nations (pp. 15-62). The second argument is that “we” are morally obliged to pay back, and that development aid is really helpful (pp. 63-118). That section does not address any marxian critique of development aid as neo-colonial paternalism. The third argument is that it is good for “us” to focus on quality of life rather than material consumption (pp. 119-172). The final argument is that “it is not acceptable to ask if this is possible” because “we can if we want” (pp. 173-4). The contrast is striking between this social liberal moralism, and the machiavellian-marxian analysis of the left during the same period (Fanon 1961; Wallerstein 1979).

⁵³⁰ Primary source: Næss (1974). Secondary sources: Zegers (2000: 13); Legard (2000)

⁵³¹ Hjorthol 2006, 37-8

⁵³² Chronology of Hjorthol (2006), partly based on that of Dalland (1994)

Within the social network of the anti-dam movement, there emerged a strong momentum of recruiting and network expansion. This tendency was still only taking off when the national parliament gathered on the 30th of November 1978, to take a decision regarding the development of the Alta-Kautokeino River. The struggle within had continued, and the governing bodies had been preparing the case for the national parliament. In the government's proposal to the parliament, not only the local community of Máze gained protection, but also Lake Išjávri, that fed the inter-state River Deatnu (Tana/Teno), and even the two local lakes Skaidi and Kvernangen. The ambitious development plans from committed state engineers and politicians had been considerably de-radicalised during the process of preparation for government proposal. When the national parliament took its pro-dam stance, it was with a three-quarters majority in favour of the government's proposal (90 against 36 votes). The main argument for voting in favour of the proposal was the expected electricity crisis in the Northern periphery, which according to the prognosis would come within a few years.⁵³³ This was an objective scientific fact for the majority of responsible parliamentarian representatives. The indisputable authority of this fact had been certified by the Ministry of Industry itself. That was a central power bastion for the coalition of industrialists, syndicalists and nationalists. These also enjoyed a pure majority in the national parliament, through the Labor and Conservative Parties that were known for strict inner discipline. Their attitude was not to change during further rounds of contestation, which were to reveal that competing prognoses already existed within the planning system. This had been kept secret by the Ministry of Industry. It is hardly any exaggeration to characterize the command line as military, inherited by an unbroken chain of administrative practice since the age of despotism between 1661 and 1814.⁵³⁴ Confronted with the overwhelming authority of state-certified scientific fact, particularistic local interests could be given limited concern – much less ethnic demands for authority over land and water, competing with the sovereignty of the nation-state. During the course of the controversy, the latter issue would take over the focus for the pro-dam coalition.⁵³⁵ When the national parliament first made its decision in 1978, the public debate was far from saturated, quite the contrary: the public debate had just started. The parliamentary decision did not enjoy legitimacy among the anti-dam coalitions, which immediately reacted with a plurality of tactics. The grass root movements, *Folkeaksjonen* and *Altautvalget* were the most radical elements. They summoned an open popular meeting (Jan 1979).⁵³⁶ This craved that the national parliament met their demands, or else, civil disobedience would be used, as it had been used by environmentalists in Mørdala nine years earlier. The local parliaments of Alta and Kautokeino followed up with a more moderate

⁵³³ Hjorthol 2006

⁵³⁴ Seip 1963; Slagstad 2001 (1998)

⁵³⁵ Chronology, *ibidem*

⁵³⁶ *ibidem*

framing of similar demands, asking the national parliament to re-open the case for a renewed policy process, taking recent information into consideration (Feb-Mar).⁵³⁷ This more moderate version of the anti-dam demands was further voiced within the national parliament, by representatives of the Socialist People's Party, the Liberal Party, the agrarian Centre Party and the Christian People's Party. However, together they constituted less than one-third of the assembly, and the large majority dominated by Labor and Conservatives rejected the appeal to re-open the process (Jan).⁵³⁸

The possibilities in the legislative channel were exhausted for now, and the movement turned to litigation through the court system. The national environmental organization NNF sued NVE, the planning body of the Ministry of Industry, for planning the government proposal through an illegal process. The local court in Alta agreed to run a juridical trial, but rejected a demand to stop the construction work temporarily while its legality was tried. The same had been the case during the Mardøla-campaign in 1970.⁵³⁹ Then, civil disobedience had been a tactic to physically bloc construction while court litigation tried the legality of the whole project. This tactic was now replicated in the Alta-controversy, after the anti-dam coalition had failed to influence the conventional policy process. *Folkeaksjonen* mobilized their large network of sympathizers, while the local police force had limited resources to handle civil disobedience. Two weeks after NNF sued NVE, thirty activists bloced the construction of a construction road, by a simple sit-down action. The local police did not react – as construction would have been stopped in any case – by summer vacation.⁵⁴⁰ The vacation was exploited by *Folkeaksjonen* to arrange a counter culture festival at the planned construction site. That attracted participants from all over Norway and Sámpi, especially students. The more committed participants at the festival underwent training in non-violent direct action, for which purpose an additional camp was set up (July).⁵⁴¹ But in the local community, there was still a considerable segment of the population in favor of intensive industrialization, and when the land had been inundated by the strange friends of the local anti-dam coalition, locals of the pro-dam coalition decided to organize themselves. The construction road was planned to pass through Tverrdalen, a valley with particularly strong support for hydroelectric development. Tverrdalen had traditions for syndicalist militant action, centred around local mining cooperatives. In Tverrdalen, few spoke Sámi, and many were descendants of poor smallholder farmers from Southern Norway.⁵⁴² In the regional newspaper of the Labor Party, pro-dam militants announced that they would use physical force against the demonstrators, in the absence of a capable police force.⁵⁴³

⁵³⁷ *ibidem*

⁵³⁸ *ibidem*

⁵³⁹ Reed 1993

⁵⁴⁰ Hjorthol 2006

⁵⁴¹ Chronology, *ibidem*

⁵⁴² Fieldwork report from downstream Alta in the 1970s: Horgen and Norddølum 1978

⁵⁴³ Hjorthol 2006

Borgervernet ("the militia") was formed. Shortly after, *Folkeaksjonen* showed newspaper photographers a bullet hole through one tent in the anti-dam camp. Police investigation never solved the mystery.⁵⁴⁴ August 1979 was the first clash between local pro-dam and anti-dam blocs. When activist from *Folkeaksjonen* blocked construction work by a sit-down blockade, 30 men from *Borgervernet* showed up, and removed them by physical force. A local initiative for private policing had been mobilized, against the non-violent direct action of other locals. *Folkeaksjonen* summoned an urgent popular meeting, to discuss further tactics, and decided on taking non-violent direct action to a larger scale, by calling in more people. Again they began with a sit-down blockade against the construction machines. This time, certified police showed up to clear the road, but the local police force was not up to the task, and could not remove activists faster than they were returning (Sept).⁵⁴⁵ The situation was intolerable for pro-dam activists. The electricity crisis was understood to be imminent, and the protestors acted against the will of the parliament and the Party. Many local people in Tverrdalen knew someone who knew someone who knew someone in the Ministry of Justice. Finnmark Labor Party was a powerful social infrastructure connecting the two locations. The ministry immediately started to plan a massive police action to restore law and order at the construction site. As the state certified police force was hardly capable of handling massive civil disobedience, the Ministry of Justice sought unconventional methods. They gained support from the central army command.⁵⁴⁶ Civil disobedience of loose networked groups was understood as a threat against the sovereignty of democratic practices.

In September 1979, while the anti-dam coalition triumphed in public, using non-violent direct action at the construction site, the pro-dam coalition prepared in secret – for militarised police action. At the same time, the issue of indigenous rights was to rise from subcultural to mainstream public discourse. As their advocate, NRF had mobilized Leif Dunfjeld, a Sámi with state-certified professional qualifications. Through him they got involved in the court litigation of NNF against NVE.⁵⁴⁷ During this period, the Sámi movement all over Fenno-Scandinavia advocated rights to land and water by engaging in court litigations against the states, but only in the NNF vs NVE case did they succeed in mobilising a Sámi with state-certified competence as an advocate.⁵⁴⁸ The Sámi advocate pointed to the earlier hydropower-related case, tried by the Supreme Court in 1968, when it had judged that the local reindeer herders further south in Northern Norway had customary rights relevant for the application of the expropriation law. The issue had not yet been tried with regard to the Finnmark Plateau, which was to be affected by regulation of the Alta-Kautokeino

⁵⁴⁴ Hjorthol 2006

⁵⁴⁵ Hjorthol 2006

⁵⁴⁶ Hjorthol 2006: citing a downgraded document from the Norwegian central army command

⁵⁴⁷ Hjorthol 2006, chapter: "Samisk joker"

⁵⁴⁸ Svensson 1997: intro

River. The Ministry of Industry had consulted their own hand-picked experts on local reindeer husbandry. From the interest organization's point of view, that was a biased planning process, violating fundamental rights of nomadic reindeer herders. This issue had strong significance for the Sámi rights movement, though only a small part of the Sámi population were involved in reindeer husbandry. This might have been because the reindeer herding Sámi conventionally symbolised the Sámi in general. While a Sámi could have any kind of job, reindeer husbandry was an exclusively Sámi kind of job, at least in Norway and Sweden. The pattern had been established in interaction between self-organized traditional economy on one hand, and state-activist economic policy on the other.⁵⁴⁹ Swedish segregation policy and Norwegian assimilation policy had had a similar and combined effect on the transnational population, between 1880 and 1980.⁵⁵⁰ In Finland, reindeer husbandry had not become exclusively Sámi, and the Finnish nation had not been defined in contrast to Sámi, as the Finnish language is much closer to Sámi languages than to Germanic languages like Swedish and Norwegian.⁵⁵¹ Norwegian and Swedish discourse tended to associate Sámi with reindeer nomadism, and nomadism with backwardness. The nomad had become a discriminatory label as well as a national symbol. An economically small sector had symbolic relevance to many. During the time of the Alta action, the issue of indigenous nomads and their customary rights was on the agenda also in Sweden, with a similar protest campaign and trial taking place there.⁵⁵²

When the NRF at last succeeded in getting this central issue into the Alta-case court litigation, related Sámi activist groups immediately crystallized. *Sameaksjonen* was formed, a group of radical activists for indigenous rights. *Sameaksjonen* had met and bonded together during the counter culture camp organized by *Folkeaksjonen* – but their action methods had been learned when some of them had been actively involved with indigenous groups in Greenland, Canada and Alaska.⁵⁵³ *Sameaksjonen* moved the site of the contention, or the physical frontline, from the Sámi homeland to the capital city – the heartland of the Norwegian homeland. They moved to a public park, in front of the national parliament building and set up a camp, with a traditional, nomadic Sámi tent (Oct. 8). This was an icon of Sámi culture, well known to Norwegians from school books written under “Norwegianization” policies. The next day, they started a hunger strike. The performance was clear. Strong actions demonstrated urgency. Simple symbols communicated ethnicity in a way everyone could grasp. The effect on public debate was considerable. Those media already influenced by the counter-culture were especially receptive. The anti-colonial critique

⁵⁴⁹ Aarseth 2006

⁵⁵⁰ Jensen 2013

⁵⁵¹ Aarseth 2006

⁵⁵² Svensson 1997

⁵⁵³ Hjorthol 2006: interviews with the members of *Sameaksjonen*

against grand European powers was known. The case of Native American had even been addressed by a government representative at UN level. Suddenly, such arguments gained a renewed actuality with referenec to the domestic scene. The hunger strike had influence on parts of the establishment, for example bishops of the Lutheran state church who appealed for humane treatment of the hunger-strikers.⁵⁵⁴ The pro-dam coalition, on their side, continued mobilization for police action at the construction site, and two days after the hunger strike had started, the Minister of Justice send his order to the district police chief in the Alta-Kautokeino area. The Labor government had given the green light for the plan of joint action between the Ministries of Justice and Defence (Oct. 11). Four days later, planes from the Norwegian army landed in Alta, delivering military equipment. The same day, one hundred new demonstrators arrived.⁵⁵⁵ The Army, who were better equipped than the Police, were to lend their gear, but in addition, a military brigade was requested to secure the area, using guns with loose ammunition. The plan did not involve the use of live ammunition against the demonstrators. However, the plan has been compared to an incident in 1931, when striking syndicalists where met by gunfire, ordered by a minster from the agrarian Centre Party, who was later to become premier of the Nazi regime, the notorious Quisling.⁵⁵⁶ Indeed, that was the last instance where the Norwegian army had been used against Norwegian citizens, but the ruling “liberal” nationalist had used live ammunition against the revolutionary syndicalists in 1931, whereas the syndicalist-nationalist government in 1978 planned to use loose ammunition against the indigenous movement. One may also understand this plan in the wider context of other attempts at militarising the social democratic regime, which included legal and illegal surveillance of Sámi activists and dissident leftists, plus a secret stay-behind group in the home guard, connected to the European network *Gladius*.⁵⁵⁷

In 1978, the Labor government was under heavy pressure. Action to restore law and order was demanded, as was the execution of their own industrializing project. However, they would be held responsible for possible escalation if the police and the army took action. For the Labor government, the Finnmark contingent of the party had been the experts on local knowledge in Finnmark, until this moment. The prime minister now initiated meetings with the Sámi organizations, to make the internal discussions in the government more informed by a broader range of local knowledge.⁵⁵⁸ One week after the district police office had been ordered to prepare for military action, and two days before the scheduled date for execution of the plan, the prime minister ordered a temporary delay of construction work. He promised that the national parliament should

⁵⁵⁴ Hjorthol 2006

⁵⁵⁵ Chronology, ibidem

⁵⁵⁶ Hjorthol 2006

⁵⁵⁷ An intro to the issue of surveillance: Bye (1997). For the controversial military issue, see: Bye & Sjøe (1995).

⁵⁵⁸ Hjorthol 2006

consider the case again (Oct. 16). The prime minister was balancing in the cross-pressure between two mobilizations: on the one hand, a pro-dam coalition increasingly focusing on law and order issues, on the other hand, an anti-dam coalition, increasingly challenging the state's hegemonic jurisdiction over indigenous heart land. The action plan drafted in 1978 might have had grave consequences if it had been actualized. In retrospect, the moderate Sámi activist and leader of NSR at the time, claims that it would have ignited escalation.⁵⁵⁹ Military action would have been perceived as un-proportional, and among rank and file members of the Sámi NGOs, many activists already demanded stronger repertoires of action. When the premier hesitated to take action, the potential of escalation was avoided, at least temporarily.

6.4.0 Act II, 1979-1981: contested constitutional rights

The conventional policy process was re-opened when the prime minister cancelled the planned military action, ordered a preliminary cessation of construction work, and promised a new round of talks in the national parliament. Thus, the Labor government met the demands from the moderates within the anti-dam movement. The law and order demands from radicals among the pro-dam activists would have to wait. At this time, what was considered radical claims from the Sámi activists gained terrain within the juridical establishment. That was to shape the debate during the next six months, until the national parliament was to make a new decision. Soon after the prime minister had de-escalated the militarized action, the local court in Alta judged in the case NNF against NVE, taking NRF as witness (Oct. 21).⁵⁶⁰ The decision was made by a board of judges, a special kind of court for cases regarding building and construction regulation (*skjønnsrett*). The court judged in favor of the interest organizations. An overwhelming majority of the judges regarded the previous decision of the national parliament invalid, as the government's preparation of its proposition was judged illegal (147 against 3 votes).

Two months later, the prime minister gave in on one of the radical demands of the Sámi activists: he ordered a state commission to investigate the claims of legal indigenous rights: The Sámi Rights Commission.⁵⁶¹ The claims of the Sámi activists were supported by a petition from professors of law and social science, asking the government to consider delaying the construction of the Alta dam, until the commission had clarified the legal status of the rights to land and water in

⁵⁵⁹ Hjorthol 2006: p. 73, interview with Sámi politician Ole Henrik Magga

⁵⁶⁰ Hjorthol 2006

⁵⁶¹ *ibidem*

Finnmark.⁵⁶² The petition had eighty signatories, which were not few, considering the number of university professors in a country with only four million inhabitants. More importantly, their opinion might probably be taken as an indicator of certain movements within the professions in general. The court system would soon pose a challenge for the ruling coalition. In the social sciences, new trends became institutionalized during the Alta-campaign: sociology of law, radical criminology and action research. The campaigns of *Sameaksjonen* and *Folkeaksjonen* had raised awareness by mobilizing the counter cultures that devided the population in western countries. The Sámi population were also divided. Not every Sámi was happy with the play on ethnical clichés that young Sámi activists had staged in the capital city. After all, the reason why mainstream media easily cathced symbols like Sámi nomad tents, was because the same artefact had been used as symbols of exotic but inferior primitivity, in the racist rhetoric of “Norwegianization”. For many people in the northern peripheries, such symbols were laden with connotations formed by one hundred years of imposed “Norwegianization”, and in regional nomenclature, "*ffjellfinna*" was used as a derogatory term. It means something like "inland Sámi", presumably a nomad reindeer herder, presumably primitive, and possibly superstitious or even a black magician. Such regional sociolinguistic patterns were not a direct result of state-directives, but an outcome of cultural interaction between centre and periphery. The semiotics of labelling was part of the culture, significant not only for Norwegians labelling Sámi, but also for Sámi struggling to get rid of stigmatisation. The media-smart young radicals of *Sameaksjonen* reclaimed symbols that were well known exactly because of the racist usage of them. Just like the indigenous activists of Canada and Alaska, they inverted the values ascribed to the dichotomy indigenous-civilized. Indigenousness was no longer framed as backward and inferior in contrast to civilization, but as sustainable, and thus superior, to the imposed civilizing.⁵⁶³ But the dichotomy between indigenous and civilized cultural forms remained, and might be a caricature. For cultural research, it is therefore very interesting that an alternative Sámi interest organization was created during 1979. SLF (*Samenes landsforbund*) was critical to the radicalising mainstream of the indigenous movement, which not only was active in SMOs like *Sameaksjonen*, but also gained ground within the mainstream Sámi interest organizations: NSR and NRF. The newcomer SLF had close links to the Finnmark Labor Party, which enjoyed larger popularity among inhabitants that felt Norwegian, than those who felt Sámi. The very existence of SLF indicates that it was not impossible to combine Labor Party support and pro-dam engagement with Sámi identity. This particular kind of hybrid position must

⁵⁶² ibidem

⁵⁶³ For an illustrative sample (primary source), see: Tromsø Sámi Association 1986: *The First Nations. Report from Indigenous Days 1984*. Tromsø: Keviselie Publisher. See especially the rhetoric in: Jernsletten 1986: "The role of the indigenous people in the world?" (Found in the library and archive of the Sámi collection at the Norwegian Folk Museum, visited 2009)

have been marginal in the polarized constellations of social movements during the Alta-campaign, but that is why it is interesting. In retrospect, those years have been central to the national Sámi history of Sámi nation-building.⁵⁶⁴ As with other nation-building movements, the central symbols of the Sámi national movement were contested from its beginning, implying a potential for further tension. More than twenty years later, the relation between reindeer nomads and other Sámi would become an issue when propositions from The Sámi Rights Commission were being enacted.⁵⁶⁵ But in 1979, the outcome was still open. The creation of The Sámi Rights Commission in 1979 was in itself ambiguous enough to be interpreted as a balancing act. On the one hand the prime minister took perceptible action for minority rights. On the other hand he promised nothing. The commission could channel the activities of interest organizations into forms that were acceptable for the forces in power, in a forum that worked slowly, and was to draft propositions with no binding authority. It was part of the "research and development" apparatus that informed the conventional policy process without being part of it.⁵⁶⁶ A participatory forum with that role would not necessarily have a function very different from that of imposed cooperation under the explicitly racist policies of the 1920s. However, at the turn of the 1980s, the Sámi claims had mobilized the support of public opinion, and the demands were supported by the weight of a growing discursive formation.

The decision in national parliament was scheduled to May 30, 1980. On the one side was a bloc for radical state-activist industrialization. On the other hand was one for liberal pluralism and sustainable development. The governing Labor party, with the Conservative party, together enjoyed a clear majority in the national parliament, and those parties were the strongholds of the pro-dam coalition. The anti-dam coalition enjoyed popularity within the so-called "center" parties, together with the Socialist People's Party. In practice, the outcome of the parliamentary debate would be determined before it started, by the outcome of the internal policy process in the two main parties. In February, the leader of the Conservative party informed his members about their unified pro-dam stance. The occasion was the annual general assembly of the Finnmark Conservative Party. Internal party discipline was strict in the Conservative Party, and was not challenged. Therefore, the political deliberation to determine the parliamentary decision, would take place by inner struggles within the Labor Party.

Since 1923, the party had been organized internally according to Lenin's principle of democratic centralism.⁵⁶⁷ The party had split in 1961 over the issue of NATO membership, but now,

⁵⁶⁴ Source: exhibition at Tromsø Museum, "Becoming a nation", visited February 2012

⁵⁶⁵ Ravna 2005

⁵⁶⁶ In the conventional policy process, the parliament processes propositions prepared by the government. Before the government prepares its proposition, its administration makes one or more RaD reports or "white papers". *Norsk Offentlig Utredning* (NOU) is such a report. It may be sensitive to paradigms within specialist disciplines, rather than trends within political parties. It has no legal authority in a policy process.

⁵⁶⁷ This largely unknown fact is presented in Bye 1997:47-8

internal dissent was growing strong again. Networks within the party were aligned to the indigenous movement. Last time had been before 1927, when the Labor Party had still been internationalist, still rejecting “liberal” nationalism with its parliamentary channel.⁵⁶⁸ In the 1970s, Internationalism (or rather inter-statism) had been back on the agenda, when membership in the EEC had been discussed. The renewed parliamentary process of the Alta-project was to be decided on February 18th – 19th, 1980, when representatives from all district contingents gathered (*landsstyre*).⁵⁶⁹ This body is the highest authority in the party between the annual national assemblies, even superior to the central executive committee. According to the minutes of the meeting, the prime minister had not made up his mind before the meeting, but he feared that lives could be lost during a police confrontation.⁵⁷⁰ The Minister of Justice, who would be responsible for police action, proposed to delay construction until the Sámi rights to land and water had been clarified.⁵⁷¹ The party newspaper, *Arbeiderbladet*, argued the same point of view. The representative of the Finnmark Labor Party objected, stating that such a view would imply that “everyone calling themselves Sámi could stop any decided construction work in Finnmark”.⁵⁷² His most eager allies were respected centralists. They argued with basic principles: democratically elected authorities should not be dictated by “casual pressure groups”. The pro-dam movement won a large majority of the votes at the meeting. The outcome of the following parliamentary debate was settled. Given the democratic centralism of the Labor and Conservative Parties, the majority of parliamentary votes were already won by the pro-dam coalition. On the 30th of May, after a ritual parliamentary debate, the votes were cast. Nearly three quarters of the parliament supported the swift execution of the plan. The debate was heated, and the one one quarter minority disagreed strongly. In the debate, the majority now focused on the authority of parliamentary democracy, rather than on the expected electricity crisis. The minority, on their side, argued less for environmentalist issues, and more for the need to clarify the claimed indigenous rights to land and water.⁵⁷³ At the level of popular support, both coalitions remained diverse, both of them accommodating a variety of groups and claims. At leadership level, however, the dominant collective framings had been slipping, from one set of issues to another.⁵⁷⁴ The discursive formation became strongly segmented, divided on the issue of territorial sovereignty. Therefore, it had no impact on elite politics when one of the largest newspapers in the country, *Bergens Tidende*, claimed they could document that there had been endless *internal dissent within the Ministry of Industry*, and between its various bodies, regarding

⁵⁶⁸ Jernsletten 1999; Jensen 2013

⁵⁶⁹ Hjorthol 2006: 86-91, 193

⁵⁷⁰ Meeting protocols from the archives of the Norwegian Labour Party (meetings in *sentralstyre*, *landsstyre* and *stortingsgruppe*), cited in Hjorthol (2006: 86-91, 193, 205).

⁵⁷¹ Hjorthol 2006:86

⁵⁷² Hjorthol 2006:87

⁵⁷³ Hjorthol 2006

⁵⁷⁴ Hjorthol 2006

an issue as vital as expected energy needs (Nov.). By holding back this vital information, the central administration of the Ministry of Industry had manipulated the national parliament. This grave accusation was relevant for a debate on industrialization and sustainable development, but it had less interest for a contest on the political authority over land and water. The issue would be later discussed in the court, where the anti-dam movement concentrated most of their energy.⁵⁷⁵

From the final parliamentary decision, until the police action to secure its execution, there was a growing opposition between the elits of legislative and juridical power. Radical activists for indigenous civil rights gained support within the court system, while the elite of the political parties regarded opposition from activist lawyers as a threat against parliamentary democracy. The *local court* of Alta freed activists of *Folkeaksjonen* from accusation by the state, claiming they had acted in *self defence*. The reason given was that the first parliamentary decision to start construction work had been illegal, according to the earlier judgment of the local court at 21st October.⁵⁷⁶ But that was with regard to the first parliamentary decision. The latest one was going to be tried by the court at the 5th December. In the meantime, the action plan for militarized police action was taken up again. The execution of parliamentary decision had become an issue of principle for the Labor government, and the national police force still had few resources compared to the scale of the disobedient non-violent direct action. However, the new minister of defence was no enthusiast of using the military against the state's own citizens. Actually, he was the same person as had talked ardently about the rights of the American indigenous population at a UN conference on racism two years earlier. The Minister of Defence may have been interested in saving face in inter-state organizations. Against the police administration, who demanded army assistance, he mobilized the Dean of law studies at the country's largest university. That was an efficient means to stop demands from the Ministry of Justice.⁵⁷⁷ The police instead mobilized equipment from the Civil Defence, which was under the control of the Ministry of Justice, and rented a private ferry for transportation and housing of the police force. A last obstacle against execution of police action was to be passed on 21st October, with the new court trial regarding the latest decision of the national parliament. The judgment was to be done by the same kind of special court as last time, used for building- and construction cases (*skjønnsrett*). The rule for the composition of such a court had been changed since the previous time it had been used with regard to an Alta-decision, and the government waited for the new judgment before they took action, because they felt confident of gaining legal support. The court did judge that the latest decision of the national parliament was legal, in contrast to the

⁵⁷⁵ Norwegian Supreme Court 1982

⁵⁷⁶ Chronology, *ibidem*

⁵⁷⁷ See Lars Martin Hjorthol's interviews with Thorvald Stoltenberg, former Minister of Defence, May 2005 (Hjorthol 2006: 72, 96-98, 205); and with Bjørn Bruland, former State Secretary at the Ministry of Defence, July 2005 (Hjorthol 2006: 69, 205). See also declassified and downgraded documents from the Ministry of Justice and the Norwegian High Command, cited in Hjorthol (2006: 68-9, 96-98, 191, 205).

previous one.⁵⁷⁸ So now, the local court had given the green light to start construction work. However, there had been 40% dissent among the judges, with only a one person difference between the two views (four against three votes). The NGOs of environmental and indigenous interests appealed the decision to the district court, next in the court system. The SMOs of the anti-dam coalition prepared for non-violent direct action to bloc construction work in the meantime.

When the police arrived, on the 14th January 1981, they found 900 activists who had chained themselves to the ground in the polar cold. According to Hjorthol, 300 of them were from Finnmark.⁵⁷⁹ 600 had travelled further, mainly from other places in Norway, but also from other places in Sápmi. The police force was greeted by a new local activist group: The Committee for Order and Work in Alta. Their claims were the same as those of the earlier *Borgervernet*, but the means this time were not private policing, but demonstrating support for the state police. The new SMO was formed by local politicians of the Labor and Conservative Parties.⁵⁸⁰ Thus, they were less grass root than *Borgervernet*. When the police took action, a group of independent Sámi activists had made a camp with traditional tents in front of the *Folkeaksjonen* activists chained to the ground. The police bypassed the tents, and went directly to the chained activists, but the Sámi activists with their national costumes manoeuvred themselves in between. Thus they could be the first to be carried away, as a demonstrative performance in press photographs. The police action was carried out with none of the feared bloodshed, but also with less effort than the disobedients had hoped for. Hjorthol has revealed some of the expectations, in interviews conducted with the district police chief who had the local responsibility for law and order during the police action, and two professors of criminology, who took part in the sit down blockade.⁵⁸¹ A secret diplomatic channel was opened between them, when the police chief asked for a meeting. His worry was whether some of the demonstrators were armed. The criminologists declared that it was very unlikely, and they tried to discourage him from taking action, arguing that it would be a fiasco, and the district police chief would be blamed. Neither would turn out to be the case. There was no direct violence, still, the police cut the iron chains of the civil disobedience activists, and carried the activists away. Construction work was started, with protection by police assembled from all over the country.

Central SMO leaders confess that they had believed in their capacity to bloc the work; at least until the court trial would be finally settled in the Supreme Court, maybe permanently.⁵⁸² Now they adapted their repertoire of actions. The cause of the anti-dam movement was in a more

⁵⁷⁸ Chronology, *ibidem*

⁵⁷⁹ Hjorthol 2006

⁵⁸⁰ Hjorthol 2006

⁵⁸¹ See Lars Martin Hjorthol's interviews with Einar Henriksen, former District Police Chief, in May 2005; with Thomas Mathiesen, Professor in Legal Sociology, undated; and with and Niels Christie, Professor in Criminology, undated; all of them cited in Hjorthol (2006: 107-108, 206).

⁵⁸² Hjorthol 2006

desperate position, after the final parliamentary decision and its efficient execution. *Folkeaksjonen* left behind the tactic of large sit-down blockades with broad participation, adopted from the Mørdala campaign. Instead, they switched to "needle sting actions": small but sudden blockades, by small, flexible action groups.⁵⁸³ The *Sameaksjonen*, who had made a large impact on the public debate with their hunger strike, were further radicalised. Before the police had taken action against *Folkeaksjonen*, the representatives of *Sameaksjonen* had been granted an audience by the king, who, according to the activists, had shown sympathy to their cause (Jan. 13). A few days after the police action, they followed up with a letter to the Labor prime minister (Jan. 23).⁵⁸⁴ Here, they asked for a meeting, to present their claims: stop of the construction work in Alta, official status as an indigenous people for the Sámi, and a special parliament for Sámi issues. Those were considered radical claims at the time. The premier replied that he would talk with responsible interest organizations, not with casual pressure groups. *Sameaksjonen* responded with a new hunger strike, by five people. They declared that promises given after the previous hunger strike were broken, and they were prepared for fast until the bitter end. (Thirty days is supposedly the time limit of a hunger strike, before permanent damage or death occurs.⁵⁸⁵) That was the time frame offered by their controversial action method. Their assisting medic was leader of the Labor party women's organization. Another woman in the Labor party was to become prime minister for a short period from 3rd of February, when the old premier had to quit due to health reasons. This was Gro Harlem Brundtland, who had already become known as an ambitious minister of the environment, who had visited Finnmark dressed in Sámi folk costume, and who would later become leader of the UN Commission for Environment and Development. During the Alta-controversy, she would play an ambiguous role. When she took over the premier chair, the anti-dam coalition gained new hope. Three days later, a new action group showed up at her door, and asked for a meeting: thirteen Sámi women of every age.⁵⁸⁶ They were let in, but the premier could not satisfy their demands, that were much the same as *Sameaksjonen*. When the premier left the office, they spontaneously decided to squat the place, and next morning they were carried out by police. Two of the women in the group proceeded to gain an audience with the Pope, then a meeting with the UN. Another of the participants was married to an advocate of NRF in the court trial. While the independent Sámi affinity groups intervened in the political discourse in the capital city, the non-violent guerilla of *Folkeaksjonen* carried on their needle-stings campaign at the construction site. 103 people were arrested, among those ten Swedish and one Finnish citizen. The campaign had attracted inhabitants of both the overlapping Norwegian and Sápmi territories. The hunger striking activists had moved

⁵⁸³ Chronology, *ibidem*

⁵⁸⁴ Chronology, *ibidem*

⁵⁸⁵ Interview with Mats Gilbert during the hunger strike of Afghan refugees in Oslo, summer 2006

⁵⁸⁶ Hjorthol 2006

secretly to Stockholm in Sweden, to avoid being force-fed by the Norwegian government. On the 17th February, the hunger strike had been going on for twenty-five days, and the critical limit of thirty days was getting closer.⁵⁸⁷ Death among the hunger strikers would be a blow to the reputation of the Labor government, and thus to its perceived legitimacy among the population. Within mainstream Sámi interest organizations, strong voices demanded non-cooperation with the state. In this political climate, representatives of the government and of the Sámi organizations met in secret, without any of the conflicting parties loosing face in public.⁵⁸⁸ The representatives of government asked the moderate Sámi leader for an excuse to stop construction work temporarily, to avoid an embarrassing incident with radicals willing to hunger strike till death. The NGO leader had been working on Sámi cultural history at Tromsø Museum, and asked his colleagues if they had been involved in the planning process in Alta. Thereafter, archeologists from the museum requested to visit the site with planners from the Ministry of Industry. They did find sites of relevance to archeological excavation, and demanded a temporary delay for this reason. On the 24th February, 32 days had elapsed since the start of the hunger strike, according to the medical assistant of *Sameaksjonen*. The critical phase had started. Then premier Brundtland declared a preliminary delay in construction work, referring to the law of cultural heritage, which had been broken. The construction road through Tverrdalen would be finished, but thereafter, archeological excavations by Tromsø Museum would begin.

6.5.0 Act III, 1981-1983: the last waltz

The start of archeological excavations at the construction site probably saved the lives of the hunger striking activists, and thus saved face for the Labor government. About one month after the premier had declared preliminary halting in construction work, the de-escalation was confirmed by the ship-load of police leaving from Alta (Mar. 27).⁵⁸⁹ At the same time, however, small events were already taking place, that in retrospect appear as the emerging build-up of tension for a final act in the drama. The state advocate had applied to the Supreme Court to bypass the district court in the case appealed by the anti-dam advocates, which was accepted by the Supreme Court (Mar. 10).⁵⁹⁰ The event in itself was maybe insignificant, but more would follow. The advocates for indigenous rights

⁵⁸⁷ My source for the thirty days critical limit for a hunger strike is an interview with physician Mads Gilbert, summer 2006, during a hunger strike of Afghan refugees at the Oslo Cathedral.

⁵⁸⁸ Hjorthol 2006: interview with leader of NRF at the time

⁵⁸⁹ Chronology, *ibidem*

⁵⁹⁰ *ibidem*

and environmental planning had gained large support among the legal profession, including several courts at local and district level. The Supreme Court, by contrast, was closely aligned to the governing elite of the political parties, and during the coming months, a series of manoeuvres took place, designed to impose a harmonization of the national court system under the authority of the Supreme Court. For the pro-dam coalition, it was crucial to gain control over the legal punishment of anti-dam activists. For policing the non-violent direct action at the construction site, there was limited use in transporting the activists away, as they notoriously returned, or others replaced them. Thus, the police started to sue activists, in order to punish them with fines, intended to be large enough to prevent further action. Still, the preventive effect was limited, because judges at local and regional courts were free to judge the disobedients lightly. Many judges were influenced by the human rights arguments of the anti-dam coalition. However, the Supreme Court took action, by judging a national standard for the fines to be paid by anti-dam civil disobedience activists. This action was coordinated with the work of the police, under the central command of the Ministry of Justice. Not only was the anti-dam coalition learning and adapting new repertoires of action, the same was the case for the pro-dam coalition. When they could not mobilize the army, which had been their first option, they took action to discipline the court system. Thus, they confirmed or constructed the hegemony of state law, against the contamination of customary law and international law – that had been mobilized by the environmentalist and the indigenous movements. The legal action of the anti-dam coalition was further radicalised – when the government sued some leaders of *Folkeaksjonen* for sedition (Jul. 21).⁵⁹¹ This was no less historical than the attempt at using the army against activists had been. Neither of those two forms of action had been used since the 1920s, during the polarized conflicts between the Labor Party, with its revolutionary syndicalist militants, and the governing Liberal and Centre Parties, who had been more or less “liberal” nationalists. In 1981, the ruling coalition of Labor and Conservative Parties were mobilizing state-activism to maintain their relatively recent hegemony against the challenge from new social movements. This observed dynamic could hardly fit better with a Marxian dialectical scheme. Furthermore, the final round of contestation would see a polarization of hegemony versus rejectionism so total that it may even fit with a notorious determinist theory, ironically labeled by Kierkegaard as “the Hegelian waltz-tact”.

The same day that the state sued *Folkeaksjonen*-leaders for sedition, the national interest organization of the Sámi – which was dominated by relative moderates – confirmed their demand that construction work be halted until the issue of indigenous rights to land and water was clarified.⁵⁹² But when Tromsø Museum ended their archeological excavations, they concluded that

⁵⁹¹ *ibidem*

⁵⁹² *ibidem*

changing the track of the construction road was enough to protect the valuable findings they had uncovered, and the government thus immediately ordered the recommencement of the construction work (Aug. 7).⁵⁹³ *Folkeaksjonen* mobilized again, for new needle sting actions, while *Sameaksjonen* this time refrained from a third hunger strike. A hunger strike would have been of little utility, as a fresh election to the national parliament had not only confirmed that the Labor hegemony was broken. It had also made the Conservative Party the largest in the parliament, and thus, according to the constitutional practice of parliamentarism, the latter was asked by the king to form government. The new prime minister had none of the ambiguity of Brundtland. Premier Willoch of the Conservative Party was known as a hard-liner. Certain individuals in his party regarded customary rights as a conservative virtue,⁵⁹⁴ but such persons posed no challenge to the statist and industrialist hegemony within the party.

The re-start of construction was ordered by the Ministry of Industry, without informing those local stake holders who were potentially opposed. On the 28th of September, the leader of the reindeer husbandry organization heard the news on the radio.⁵⁹⁵ In a radio-interview, the representative of the planning body frankly stated that they had refrained from warning the local reindeer herders in order to avoid further delay. This was exactly the time of the year when the flocks of reindeer were supposed to pass through the area, from summer grazing, to winter habitat. The sovereign attitude of the governing body enjoyed no legitimacy among indigenous rights activists, and it was perceived as constituting a political provocation. At the same time, this action from the planning bureau should be regarded in parallel to what was going on within the national courts system. Under the Ministry of Justice, there had been a centralized streamlining of the previously divided court practice. Under the Ministry of Industry, a certain organizational practice was confirmed, where decision-making procedures were secret and centralized. It is no exaggeration to characterize this as a military mode of operation, an institutional heritage dating from the movement for absolutist government, which had been instituted in Denmark-Norway by coup in 1661.⁵⁹⁶ The model of that kind of government had spread from the Ottoman Janissary,⁵⁹⁷ through Louis XIV and the Prussian army, throughout early modern territorial states in Western Europe.⁵⁹⁸ During the Alta campaign, the pro-dam elite in the political parties regarded this form of government as necessary to maintain the absolute sovereignty of the people's will, represented through the pro-dam bloc's own hegemony. By the demonstrative authoritarianism of the planning

⁵⁹³ *ibidem*

⁵⁹⁴ Per Kristian Foss, at the minutes of a parliamentary debate, cited in Hjorthol 2006

⁵⁹⁵ Hjorthol 2006: an interview with an NRF member, activist at the time (**PAGE**)

⁵⁹⁶ An institutional heritage similarly to what the liberal historian J.A. Seip (1963) had characterized as a line of continuity from the early modern absolutist state (*embedsmannsstat*) to the post-war one-party state (*ettpartistaten*).

⁵⁹⁷ Palmer & Colton 1994

⁵⁹⁸ Hinze 1975 (thanks to Pascal Vennesson, and to his seminar "Wars and beyond", autumn 2008, for this reference)

bureau, combined with the streamlining of punishment within the courts system, the ruling coalition carried out two parallel processes of confirming and re-constructing hegemony within two different branches of government, namely the judiciary and the executive. The supremacy of the legislative over the government was instituted in 1884, via the principle of parliamentarianism. The supremacy of parliamentary practice over judicial practice is another question. The cadres of the Labor Party used populist arguments, against the authority of the court to alter decisions made by the will of the nation through its parliament. The "centre" parties and the indigenous activists used liberal arguments concerning the protection of individuals and minorities against the dictatorship of a majority. There was a clash between two different framings of what the existing constitutional practices were, or ought to be. On the one side, parliamentarianism, on the other side checks and balances; on the one side something similar to Rousseau's Jacobism, on the other side, Montesquieu's pluralism.

Technicalities aside: the pro-dam coalition had mobilized efficiently during the buildup of this final round of contestation. A new confrontation was expected. *Folkeaksjonen* elected a back-up leadership, to take over in case the functioning leadership would be jailed (Sept. 29).⁵⁹⁹ A new shipload of police again landed in Alta (Oct. 4).⁶⁰⁰ Then, 400 police officers met 400 civil disobedients, blocking the construction site (Oct. 5).⁶⁰¹ Surprisingly, the leadership of *Folkeaksjonen* asked their activists to leave after this was demanded by the police. Only 25 stubborn Sámi activists remained seated and were carried away by police officers. *Folkeaksjonen* had apparently become totally converted to the needle sting tactic, which disrupts the target in a more surprising manner, rather than the large sit-down blockade method they had learned from the Mardøla campaign. They also established a local camp for information and agitation. At the same time, others were radicalising in other ways. The same day that police and demonstrators met at the construction site, someone tried to blow up one of the bridges on the construction road.⁶⁰² Police investigation would not find any perpetrator, but it might have been an attempted sabotage action similar another, later effort. There were still 20,000 reindeer on their way into the area, and NRF, the organization of reindeer husbandry, sued the state for having held back information about the fact that construction would begin at this crucial moment. However, the local court judged that this administrative procedure was acceptable, and that the reindeer herders would be accorded compensation retrospectively, if their business were negatively affected (Oct. 12).⁶⁰³ It was a controversial issue whether or not the planned construction work would interfere with the human ecology of local

⁵⁹⁹ Chronology, *ibidem*

⁶⁰⁰ *ibidem*

⁶⁰¹ *ibidem*

⁶⁰² *ibidem*

⁶⁰³ *ibidem*

reindeer husbandry, beyond the extent to which the latter could sustainably adapt to.

The pro-dam coalition had maintained its political hegemony, by re-confirming the centralized harmonization of legislative power with the executive and judicial powers. The anti-dam coalition enjoyed the support of public opinion in a large segment of national media, and had strong ties with transnational networks for human rights and environmental planning. As the hegemony was solidified, the activists became desperate. With hard-liners in government, hunger strike would probably not have been a relevant means of pressure. Over two months, *Folkeaksjonen* carried out 17 needle sting actions of various sizes. The police adapted by jailing the civil disobedience activists in remand prisons. The main interest organization for the Sámi in Norway, NSR, called together an extraordinary national assembly, located in Alta. The assembly declared that the state had gravely violated the basic rights of the Sámi, and they decided to adopt a policy of "diplomatic boycott" in relation to the Norwegian political entity (Oct. 30).⁶⁰⁴ The interest organization for reindeer husbandry in Norway, NRL, followed this, thus breaking a long tradition of co-operation with the state, dating back to the age of "Norwegianization" policies, with their explicitly colonial administration of reindeer husbandry. Radicalisation gained ground amongst the indigenous human rights activists, while *Folkeaksjonen* was running out of steam. It had been hard to keep up the intensity of a non-violent guerrilla organisation, under the increasing pressure of standardized fines and remand imprisonment. Its final needle sting occurred on the 8th of December 1981.⁶⁰⁵ After the Christmas holidays, on the 3rd of January 1982, the steering board decided that they would propose that the organization should shut down.⁶⁰⁶ An extraordinary general assembly was summoned on January 24th, and the day before, a new membership organization was founded, with the sole purpose of providing legal and financial support for heavily fined activists. Two-thirds of the general assembly voted to shut down the organization.⁶⁰⁷ So, a minority wished to carry on. A temporary steering board was created, to administer the shutting down of the organization, and to organize a national conference to share experiences and lessons learned.

The Supreme Court process was now running, and the judges took a decision on the 26th of February. The anti-dam coalition had turned their energy to the litigation. The Supreme Court would reject the issues raised by the indigenous movements, regarding rights to land and water (largely an issue about territorialised authority). However, it opened its court space as an arena for confrontation between the two opposing parties regarding issues raised by the environmental movement (largely a question about central authority). The latter question is overlooked by the chronicle of Hjorthol, because he, in spite of solid journalistic research, concentrated his study on

⁶⁰⁴ Hjorthol 2006

⁶⁰⁵ *ibidem*

⁶⁰⁶ Chronology, *ibidem*

⁶⁰⁷ *ibidem*

the legislative process, overlooking the documents involved in the court litigation. However, the NGOs, which were a considerable part of the anti-dam movement, had invested everything into that forum. Thus I chose to conduct basic research on this issue, and to present my discourse analysis thus.⁶⁰⁸

The conflict was staged and dramatized in court, as a polarized performance. In this theatre, the protagonist was Friends of the Earth Norway (NNF), supported by the interest organization of reindeer husbandry (NRF), and other NGOs. They had originally sued NVE, the planning bureau of the state. However, NNF's antagonist in court was the State Advocate. He would defend the hegemonic bloc in the Supreme Court. The anti-dam NGO advocates claimed that the planning process was illegal, because biological & cultural expertise had been suppressed. The technological and economic experts of the planning bureau had rejected the claims of the biological and cultural experts, who worried for the local biotopes of wild salmon and domesticated reindeer. These argued for the necessity of ecological thinking: that there are critical thresholds regarding the level of interventions to which a local system can sustainably adapt.⁶⁰⁹ The pro-dam state advocate, on his side, defended the validity of the planning process, by countering the human ecology arguments. According to my reading, the State Advocate sought to counter human ecology arguments in three ways: (1) Uncertainty: The fact that it is very hard to estimate a critical threshold regarding the level of interventions to which a local system can sustainably adapt, was an argument against making estimates thereof. (2) Utilitarianism: Scientific knowledge served no purpose in itself, and only represented a means "to say yes or no" to the construction of a dam. (3) Military command line: The combination of uncertainty and utilitarianism somehow implied that that the Ministry of Industry was the supreme arbiter of the epistemic debate.⁶¹⁰

The judges gave 100% support to the pro-dam State Advocate. In retrospect, this might appear strange. The words used about zoological expertise in the judgment⁶¹¹ would appear as arrogant and un-informed, if viewed in the light of the contemporary rules for hydroelectric planning.⁶¹² However, it would be an anachronism to judge the 1982 Supreme Court by later laws. The planning system would later be re-organized, for increased impartiality. In 1982, the most radical challenge to centralized command-and-control came from anthropologists who testified on behalf of NRF. They claimed that the deliberation process should have been informed by local

⁶⁰⁸ In this study, I have mainly used historical primary sources: the minutes and the judgment from the Supreme Court trial (Norwegian Supreme Court 1982), plus a report that was the testimony of NRF (Bjørklund & Brantenberg 1981). Those, I have contrasted to a recent official handbook for planners published by the planning bureau NVE (Saltveit 2006), plus informal interviews with some employees

⁶⁰⁹ Norwegian Supreme Court 1982

⁶¹⁰ Norwegian Supreme Court 1982

⁶¹¹ Norwegian Supreme Court 1982: 329-331

⁶¹² Saltveit 2006

knowledge, to protect the sustainability of local human ecologies.⁶¹³ For the state advocate, such "cultural/sociological analyses" were irrelevant, because the parliament had a "special competence" to sort out socio-cultural issues.⁶¹⁴ The judges implicitly supported that, by limiting their own competence to controlling the legality of planning procedures, and defining the particular questions being raised as falling outside this category.⁶¹⁵ International law and customary law was judged as irrelevant, because the area was under undisputed Norwegian sovereignty.⁶¹⁶ After 2005, the latter statement is not quite correct, after customary law have gained some explicit recognition by state law.⁶¹⁷ The necessity of local knowledge in deliberation is now recognized by mainstream textbooks for students of physical planning.⁶¹⁸ Back in 1982, however, those were still very contentious claims, voiced by new social movements, and were far from institutionalized in mainstream institutions. However, what strikes me most about the judgement is not that the parliament is adjudged to have a monopoly of competence to settle disputes of local knowledge and other socio-cultural issues. No, what is even more striking is the framing of natural science. The research fronts are apparently considered as being beyond dispute – in spite of the fact that natural scientists openly contest the rules employed by engineers. For the State Advocate and the judges, a combination of uncertainty and utilitarianism somehow implied that the Ministry of Industry is supreme arbiter of this epistemic controversy. The "somehow" implied in this logic was something they agreed upon, and did not need to spell out. Hierarchic command-and-control of a military form is presumed, with no question of impartiality. The Ministry of Industry was granted absolute authority to assess epistemic relevance in matters of contested knowledge about nature. That authority was far beyond any stakeholder deliberation, but it was also beyond parliamentary debate, and also beyond scientific peer review. With regard to contested natural science, the argument was not for the absolute authority of democratic institutions. It was an argument for the absolute authority of technocrats, the CEOs of state capitalism. Epistemologically, the argument is similar to that of the State Church under despotism, including its witchcraft trials, the Lutheran mirror image of the

⁶¹³ Bjørklund & Brantenberg 1981 14, 16, 20, 26-7

⁶¹⁴ Norwegian Supreme Court 1982: 275-6

⁶¹⁵ Norwegian Supreme Court 1982: 347

⁶¹⁶ Norwegian Supreme Court 1982: 241, 347

⁶¹⁷ Ravna 2005

⁶¹⁸ In order to gain an indicator about central topics in the discourse of physical planning, I selected the student textbooks that were available at a specialist book shop for architecture, *Pro QM* in Berlin, 3-7 July 2009. On the one hand, most of their selected text books presented participatory, deliberative democracy as a mainstream approach to urban development: For example, Wheeler & Beatley (2009: "Exercises") described hands-on techniques of participatory planning, and included critical analyses by Andre Gunder Frank and Ebeneser Howard. Even a radically green approach was offered, with Riddell 2004. On the other hand, *Pro QM* also offered a rather technocratic alternative: Roberts, Ravetz, George & Howe 2009 presented centralized, hierarchical forms of decision making as being more accountable than participatory deliberation. They express scepticism toward the possibility for truly inclusive or empowering participation, citing Cooke & Khotari 2001 (but overlooking the reply to the latter from Hickey & Mohan 2004). These observations indicate that participatory, "bottom up" methods have become part of mainstream physical planning, even though technocratic, "top down" planning is still going strong.

Inquisition. A similar institution in force in 1982 was Imam Khomeini's *Walayat-al-faqih*. All "high modernist" political movements, according to Zygmund Bauman, placed some absolute doctrine in the "empty throne of God".⁶¹⁹ That view may apply to our case, as liberal historians trace an institutional continuity from the bureaucracy of Danish despotic kingdom (1661-1814), to that of Labor Party hegemony (1936-1981).⁶²⁰ During the NNF vs NVE case in 1982, the State Advocate acted in the role as *Leviathan's advocate*. He struggled to conserve Leviathan's organic unity which was in danger of being dissolved via a process of ecological adaptation to a diverse human ecology.

With a vote of 17 against zero, the Supreme Court judged that the last decision of the national parliament had been legal.⁶²¹ The Supreme Court Advocate that had assisted NNF against the state was so committed, that he published an article in a journal of legal studies. He criticized the Supreme Court for defending the status quo, and argued that it is illusory to regard the Supreme Court as an independent organ for the purpose of controlling the other branches of state power.⁶²² Thus, he questioned the functionality of the division of government into three branches, which has been prescribed by the Norwegian constitution since 1814. The author still stands by his critique, and has since become a Supreme Court Judge himself.⁶²³

About a month after the final Supreme Court decision, there was another failed attempt of blowing up a construction bridge. This time, the police found the perpetrator at a local hospital, after he had fumbled, and had blown up his own arm and eye.⁶²⁴ Maoist newspaper *Klassekampen* had been informed before the police, which cast suspicion upon their political party, AKP (m-l).⁶²⁵ One of the activists had been a party member, though he disobeyed party discipline when he joined an independent affinity group. Many had been boasting about their willingness to commit sabotage, and there had even been an alleged Sámi guerilla group posing with guns in a magazine.⁶²⁶ Though the Norwegian police accorded high priority to investigate the rumours of Sámi guerillas, they never found any. According to the district secretary of the Maoist party, this was because the guerrilla never existed.⁶²⁷ For his part, the former district secretary claimed to have interviewed those who posed in the magazine, who allegedly claimed the threat was never serious. Files newly released to the public, reveal that the police had directed special suspicion against specific persons

⁶¹⁹ Bauman 1991

⁶²⁰ Seip 1963; Slagstad 2001 (1998)

⁶²¹ The Finnish human rights lawyer Martin Scheinin (2000) argues that "...the reasoning by the supreme court appears today as simply erroneous", and that "Read today, the ruling appears to fail to address the close interrelationship of culture and the economic activities of indigenous peoples, as well as the crucial role of economic sustainability and proper consultation as the test for the justification for interferences with the enjoyment of an indigenous culture." (Scheinin 2000: § 4.5)

⁶²² Hjorthol 2006

⁶²³ Hjorthol 2006: 155

⁶²⁴ Hjorthol 2006

⁶²⁵ *ibidem*

⁶²⁶ *ibidem*

⁶²⁷ *ibidem*

who were well known among Sámi activists for being champions of moderate pragmatism. Such strong suspicion should be seen in the context of the above-mentioned legal and illegal surveillance of left-wing dissidents.⁶²⁸ The new social movements were looked upon with much suspicion by a formerly revolutionary syndicalist party, guarding the hegemony it had gained by taking over parliamentary statist practices. There were between one and three attempts at sabotage of bridges. They all failed, which may confirm the statement that the perpetrators were isolated cells with scarce activist competence. The great fear was that separatist nationalism would get take within the Sámi rights movement. However, violence never became a popular means of expression among the transnational indigenous movement. They framed their traditional political systems as state-less, whereas kingdoms and states were defined as innovations brought by colonial peoples. Separatist ambitions of setting up sovereign political entities are not easily fit into such an ideology. Though violent action enjoyed scarce support amongst radical Sámi activists, the ranks maintained solidarity against the institutional violence of state sovereignty. The man who could not blow up the bridge managed to flee from the local hospital, with assistance from Sámi people in Norway, Sweden and Finland. He got to Canada, where he was sheltered amongst an indigenous tribe – until he got homesick and went back to Norway to serve his prison sentence. The bridge was re-named in popular folklore as "Sombybrua", after the man who tried to blow it up.⁶²⁹

6.6.0 Outcomes, 1984-2005: short term consolidation, long term revolution

The immediate outcome of the Alta-contestation was a triumph for the pro-dam coalition. The political hegemony of the industrializing bloc was restored, and the dam was constructed. At the time, the contestation did not appear to have engendered any of what it would later become known for in international literature: “improved environmental regulations” and “the first parliament for the Sami minority”.⁶³⁰ The pro-dam coalition procured the desired hydropower plant, though in retrospect some have been surprised that it was expensive, and did not generate many new jobs in the industry.⁶³¹ However, it might have been hard to predict that the lucrative Norwegian aluminium industry would be beaten in the context of international competition. Others were surprised that local reindeer husbandry actually adopted in a sustainable manner, by finding new routes for annual

⁶²⁸ Bye & Sjøe 1995

⁶²⁹ Hjorthol 2006

⁶³⁰ Khagram 2004: 179, citing Usher 1997

⁶³¹ Hjorthol 2006

migration.⁶³² However, this forced the nomads of separate traditional territories to re-negotiate the boundaries between sovereign units in their traditional, state-less political system.⁶³³ The anthropologists of NRF had taken those boundaries for given, just as the administrators used state boundaries as a means of analytically framing the people and the land.⁶³⁴ The salmon stock would be heavily struck by a river regulation system, which was not suited to its habitat, though the stock was slowly restored many years later.⁶³⁵

Ironically the Alta controversy had started a series of bureaucratic policy processes that were to set in train a slow reform in natural resources management, and a slow revolution for indigenous self-rule. Let us briefly trace the coming into being of the latter, as it is closely related to the authority over land and water. The Sámi Rights Commission, the state commission to investigate the legal rights of the Sámi population, created in 1979, delivered a series of non-binding reports to the national Norwegian parliament (so called NOUs). The first of these was delivered in 1984⁶³⁶ – the year after the *Folkeaksjonen* leaders had been judged guilty of sedition. The Sámi Rights Commission would propose reforms that had been considered revolutionary by the ruling bloc during the Alta-contestation. The proposed reforms included a separate census and parliament for Norwegian Sámi, and such reforms were in fact enacted. In parallel, fundamental reforms would be made in the organization of the administrative bodies under the Ministry of Industry. Some would be privatized, in order to make competition possible, while others opened the policy process for some degree of participation from stakeholder organizations.⁶³⁷ In 2005, a special law would even be enacted regarding the ownership of land and water in Finnmark County, subjecting it to the shared authority of the Norwegian parliament and the Norwegian Sámi parliament.⁶³⁸ This is an innovative institutional reform, an effort to solve a problem of territorial sovereignty; how it may imply violent assimilation or divisions on particular local habitats. The new situation is further investigated in Chapters 8-12. First, however, Chapter 7 will turn to a sociological analysis of the historical process that has just been traced.

⁶³² *ibidem*

⁶³³ Bjørklund & Brantenberg 1981: maps at pp. 51, 53, 60

⁶³⁴ For the *siida*-perspective, see Bjørklund and Brantenberg 1981:50; for an unusually self-aware example of the state perspective, see Norwegian Ministry of the Environment 1978a: pp. vii, 7-23.

⁶³⁵ Hjorthol 2006

⁶³⁶ Aarseth 2006

⁶³⁷ NVE employees: informal interview at a wind power conference, Stiklestad, 25.-27.08.2014

⁶³⁸ Ravna 2005

6.7.0 Preliminary conclusion to first part of Case I

Negative findings: There might always be the possibility that the future will bring forth new proofs about the past. As with all scientific knowledge, historical explanations are provisional. When I conducted ethnographic fieldwork in some of the areas where Sápmi and Norway overlap, I found that the historiography of the Alta-dam struggle is controversial, and has been so from the very beginning. At the municipal archive in Tromsø (Romsa, Tromssa), I found old newspaper articles, which indicate that former members of *Folkeaksjonen* were split in their assessments of Øystein Dalland's first draft of a history of the Alta-dam conflict. At the Riddu Riddu festival in 2012, I attended a debate between veteran indigenous rights activists, where some ČSV activists questioned the relative weight given to *Sameaksjonen* and *Folkeaksjonen* in the existing historiography. However, what I see as the most challenging issue is the persistent disagreement as to whether it was legitimate to apply coercive force during the struggle, either regarding the use of police force against peaceful demonstrators, or regarding the failed attempt at sabotage of a bridge. This matter is so sensitive that it requires the utmost caution and care. Therefore, I will return to it in the course of the theoretical discussion, in Chapter 12.

Positive findings: For this project, the priority has not been to contribute to the historiography of the Alta-dam conflict. Nevertheless it is not insignificant that I have identified a contradiction in the most recent contribution to this theme, which is Hjorthol's book. *On one hand*, his own data clearly indicate that the Alta-dam conflict was an issue that split the local population internally, and split the state apparatus as well. *On the other hand*, his title, as well as the overall dramaturgy and tone of his narrative, suggests that popular power rose up against the state. There is a *gap* between his empirical material, which he has taken from archives and interviews, and his explanatory model, which seems to be inspired by the ideology of his own political party, AKP (ml). Therefore, in his description, there is a dialectical opposition between data and theory; between reality and utopia.⁶³⁹ This tension became clear through my own research. *Firstly*, but least importantly, I chose to use other explanatory models. These are informed by empirically-based social movement research, instead of his party ideology. *Last*, but not least, my alternative explanatory models led me to search for additional information from alternative primary sources. I mostly built on data that had been

⁶³⁹ In the description by Hjorthol (2006), one can observe a *dialectical* tension between *data* and *theory*; between *reality* and *utopia*. That kind of contradiction is like *cycling on water*, if we are to believe Dag Solstad, another writer from the AKP (ml) party. Hjorthol's argument, thus, cycles on water.

accumulated through the existing historiography, from Dalland to Hjorthol.⁶⁴⁰ Both made valuable contributions to documenting the *political history* of the Alta-dam struggle. But time may be ripe to inquire into its *social and cultural history* as well. I used some ethnographic studies that were conducted around the time of the Alta-dam struggle, and also, some of the most important documents relating to the Supreme Court judgment. The ethnographic studies provide historical snap-shots of some social-ecological conditions at some local sites at that time.⁶⁴¹ Thus, they provide thicker information about the *local subaltern* groups that provided the social basis of both political blocs. Those studies add some data concerning the anthropological history of the Alta-dam conflict. One of these studies was used as proof during the Supreme Court decision in 1982. I also analyzed this study discursively, together with the text of Supreme Court judgement, and some political writings from that time.⁶⁴² Such sources provide information about the *history of ideas*. The few primary sources I have added to the existing historiography merely constitute a first step towards a social and cultural history of the Alta-dam struggle. Most of that wider history remains unknown. However, the added data may be used to provide a somewhat more realistic description of the actual cleavages, coalitions and dynamics of contention during the Alta-dam conflict.

⁶⁴⁰ Dalland 1994; Hjorthol 2006

⁶⁴¹ Horgen & Norddølum 1978: 181-188; Bjørklund & Brantenborg 1981

⁶⁴² Norwegian Supreme Court 1982; Næss 1974; Damman 1975; plus one manuscript found in the library and archive of the Sámi collection at the Norwegian Folk Museum, summer 2009; Tromsø Sámi Association 1986: *The First Nations. Report from Indigenous Days 1984*. Tromsø: Keviselie Publisher. See especially the rhetoric in: Jernsletten 1986: "The role of the indigenous people in the world?"

7.0.0 ALTA DAM CONFLICT 1968-1983: HISTORICAL SOCIOLOGY

7.1.0 Introduction to second part of Case I

The previous chapter traced alliances, coalitions, networks, emerging political blocs, and eventually a struggle for *political hegemony*: the capacity to set the agenda for policy and research within the process of state formation. However, such terms were hardly mentioned in the chapter. They were implicitly applied, to search for sources, sort the data, and structure the presentation, as is the habit of social historians.⁶⁴³ History is descriptive. Sociology is more analytical. In the present chapter, the focus shifts to an explicit usage of the analytical terms. General terms will no longer be used to observe particular facts. Now, particular facts will be used to suggest the development of the general terms. Thus I turn from social history to historical sociology.⁶⁴⁴

What interests me in this case study is a moment in history where a hegemonic coalition of old social movements was challenged by another coalition of emerging new social movements. How was hegemony produced, re-constructed and un-screwed? How did this happen in one particular environment, bounded in space and time, where the nationalist and labor movements had established themselves, and the environmental and indigenous movements emerged? I trace the co-evolution of two opposing social movement coalitions; one the pro-dam coalition, which had just managed to establish hegemonic control over land and water; the other, the anti-dam coalition, which was already pushing for transformation of that hegemony. Thus, I study the dynamics of contention as an ongoing, constitutional process, a struggle for the capacity to set the agenda for policy and research. The international literature on the Alta-controversy claims that it led to fundamental reforms being implemented, including: (a) “improved environmental regulations”, and (b) “the first parliament for the Sami ethnic minority”.⁶⁴⁵ In fact, those innovations did not appear out of nowhere. For example, the Norwegian state already had a bureaucracy for natural resources management,⁶⁴⁶ and the Sámi already had a sort of parliament on the Finnish side. However, the Alta-dam struggle was a nonlinear break in the further development of those institutions. In the management of natural heritage, there would be a shift from nature preservation to ecological

⁶⁴³ Burke 1993

⁶⁴⁴ Tilly 1978 (His point about theory and history is written in opposition to Burke 1993. However, in my opinion there is no hierarchy what so ever between sociological theorizing and historical description, they are rather complimentary.)

⁶⁴⁵ Khagram 2004: 179; Dalland 1997 in Usher 1997

⁶⁴⁶ Asdal 2011

systems thinking. In the management of cultural heritage there would be a shift from cultural essentialism to indigenous human rights. The Alta-dam struggle was one particular and local component of a wide trans-national transformation. The constitutional process at state level co-evolved with a constitutional process at international level, which would lead to new treaties such as the ICCPR/ICESCR and the NASCO. Socio-ecological transformation on multiple scales and temporalities would produce the changes (a) and (b) mentioned above. Nonetheless, the Alta-dam conflict was one *particularly* “eventful”, or distinctive or spectacular, component in this wide constitutional process.

I will now attempt to unpack this particularly eventful moment in history, by identifying how resource mobilization and collective framing led to the emergence of collective actors;⁶⁴⁷ and how those collective actors constituted socio-material networks with wide scope and high density; seized socio-material nodes of power within the already constituted political entity;⁶⁴⁸ and eventually, how they congregated into wide historical blocs that competed to re-define the political hegemony.⁶⁴⁹ in other words: influencing state transformation. If the social-historical description in the previous chapter were correct, then it would be possible to conduct a correct historical-sociological analysis as well. However, as I discussed in the previous chapter: all history is contemporary history, and is therefore provisional. There is no such thing as “the history” of the Alta-dam conflict; only “a history” is possible. Historical sociology must therefore avoid deterministic misreadings of historical data.⁶⁵⁰ The historical description in the previous chapter, as well as the entire historiography of the Alta-dam struggle, has merely traced some of the particular links within the immense web of causation that is the real historical process. For example, I have not traced many of the actual exogenous causal links between different struggles, not in the transnational scene, and not even within Sápmi or Norway. For this reason, qualitative historical sociology is no less model dependent than quantitative causal analysis. The former is *possibilistic*, the latter *probabilistic*, and neither should be misinterpreted in any deterministic way. Thus, what I do in this chapter is to develop hypotheses, or abductions. Those may be further developed or tested in further studies, with either qualitative or quantitative designs.

⁶⁴⁷ Della Porta and Piazza 2008; Staggenborg 2002

⁶⁴⁸ Latour 2004

⁶⁴⁹ Laclau and Mouffe 2001 (1985)

⁶⁵⁰ Rueschemeyer 2003

7.2.0 Political sociology

7.2.1 Diagnosis: the struggle to control definitional power

The Alta-controversy was an issue of saying yes or no to a dam, as the wording of the Supreme Court decision repeatedly reminds us. Still, it had become something more. The chronicler Hjorthol emphasizes that increasingly, constitutional principles were at stake. Through the push and pull for transformation and conservation of the hegemonic control of a waterway, the conflict really became one about constituent power. The ruling bloc, dominated by former syndicalist revolutionaries, who had turned into nationalist modernizers, feared that the opposition were heading for a separatist revolution. However, the tactics that the opposition chose to use were of an entirely different form. The constitutional strife was never military, though some in the ruling coalition had tried to militarise it. It was a *struggle about definitional power*. What was at stake was *the power to define* what the legitimate constitutional practices actually looked like, and additionally, the power to define what actually constituted epistemologically valid knowledge. In one sense, both blocs were counter-revolutionaries: The ruling bloc *defended* their project of continuous industrialization from above, against those who challenged their hard-fought hegemony. The opposition turned to the judiciary to *defend* indigenous rights and local ecosystems, like the French peasants had resisted the Jacobins. What had actually happened? How could a local struggle about yes or no to hydroelectric development suddenly grow into a constitutional battle to define the political system?

In the present chapter I will use *empirical data* from the previous chapter. The previous chapter was *descriptive*: general sociological concepts were implicitly applied in order to serve a specific historical description. The present chapter will be *analytical*: the specific historical description will now be used for an explicit discussion of general sociological concepts. Thus, I turn from social history to historical sociology.

Now I will analyze the complex *structure* and *dynamics* of issue networks, as vehicles of *constituent* power, and of policy networks, as vehicles of *constituted* power. I will try to dig into the subaltern social basis of each of the two blocs, and to entangle the social-liberal and social-radical social elites within each of the two blocs. I will try to trace some of the particular paths whereby geographically and socially dispersed interests were capable of taking collective action locally, to build alliances with similar action groups in other dispersed situations, in order to upscale their scope of joint action, and eventually constitute “historical blocs” with the power to define the actual norms for policy-making and scientific research under the existing state.

The causal links at the micro-sociological level will be explained in terms of “issue network

twinning”, a concept that has been rather well developed in empirical social movement research.⁶⁵¹ With a little help from our friends ANT and SES, the emerging formations at macro-sociological level will be explained as the effect of social movements on an ongoing constitutional process at multiple levels.⁶⁵² First, however, I will have to bolster my argument against suspicions that transformative movements actually constitute a presumed threat against public security. Therefore I will begin by discussing the difference between hegemony of coercive force and hegemony of social power. Thus, I seek to take the bull directly by its horns. This argumentative move is in fact a tactic of social defense, to employ a term originally coined by Gene Sharp. This does not imply that I reduce argumentation to rhetorics, but on the contrary, that I see empirical knowledge as a tool of practical empowerment.

7.2.2 Hydrological hegemony at stake in the Alta-contestation

During the Alta-dam conflict, *both blocs* had a *shared* interest in the *sustainable development* of some of the areas where Norway and Sápmi overlap. However, one bloc emphasized *sustainability*, the other emphasized *development*, and additionally, they disagreed on whether or not the Norwegian state territory actually co-existed with any Sámi cultural homeland. What *social-ecological community* should be used to define the *natural common good*: the nation-state collective, or the suppressed stateless nation, or the inhabitants in a bio-regional biotope, or any combination of the above? Competition between various definitions of the “common” in the “common good” was in itself a common-pool resource problem.

Chapters 2 and 3 presented the tension between two rival theories of how social actors solve common pool resources in the management of natural resources: On the one side is Elinor Ostrom's “new theory”, centered on collective action and voluntary consent. On the other side, she defines the “old theory” from Hobbes through Hardin, centered on coercive action and central command. These correspond with two contemporary theories of water resources management, both developed in the troubled Middle East. Fadi Comair has been a proponent of international “hydro-diplomacy” to serve the solution of common pool problems between Syria and Israel.⁶⁵³ This resembles Keohane and Ostrom's hopes for multilateral federating at multiple levels.⁶⁵⁴ Regional integration under the UN has not yet succeeded. Mark Zeitoun observes that international “hydro-hegemony”

⁶⁵¹ Della Porta & Piazza 2008; see also Staggenborg 2002

⁶⁵² Bailey & Mattei 2012

⁶⁵³ Comair 2009

⁶⁵⁴ Keohane & Ostrom 1995

represents the *de facto* situation in the region.⁶⁵⁵ This theory has been developed in a region where ethno-political conflicts are equally complex, but very much more militarized, when compared to Sápmi. The Levant is not Sápmi, and theoretical generalization on the basis of empirical experiences do not always travel easily from one region to the other. Military hegemony may be the main focus when I.R. scholars use the term “hegemony”. However, since Gramsci, there has been a conceptual distinction between the *hegemony of coercive power*, what Gramsci called *state society*, and the *hegemony of social power*, so-called *civil society*.⁶⁵⁶ This definition of *state society* and *civil society* is open for discussion. The polity may also be a product of social processes, as an explanans, and the civil sphere is not always free from internal coercive dominance. Still, we may agree that *hegemony of social power* could and should be kept analytically separate from *hegemony of coercive force*.

This distinction is all the more appropriate when we deal with an area such as Sápmi, where there are clear-cut sovereignties (meaning monopolies of violence) but plural jurisdictions (meaning sources of law). The distinction between *hegemony of coercive force* and *hegemony of social power* is relevant when we read Laclau and Mouffe. Leaving Marxist orthodoxy behind, they focus exclusively on *civil society*, and how social movements take action to *transform hegemonies of social power* (while transformation in the hegemonies of coercive power is being kept constant). Such *discursive conflict* may be highly contentious, but may nevertheless constitute an integral part of the *deliberation* and *diplomacy* theorized by Kehohane and Ostrom. Deliberative democracy is an attempt to acknowledge and overcome conflicts of interests, not to deny them. Restorative justice is not an attempt to suppress dissent. Thus, we can make sense of the following statement from Elinor Ostrom: “When a *winning coalition* of users concludes that the expected benefits from creating and following their own rules (as well as modifying them over time) exceed the immediate and long-term costs, they are likely to reformulate these rules.”⁶⁵⁷ Transformative movements within the Western world generally find themselves in a situation that is not already militarized, and thus, they have the opportunity to pursue transformative power without resorting to coercion or domination. Because of the absence of militarization, they may pursue restorative justice without having to resort to new injustice. This does not mean that transformative movements within the West wage the struggle for constituent power within the confinement of “civil society”. On the contrary, the presence of non-violent transformative movements, if effective, should lead the political scientist to question the distinction between state society (understood as hegemony of

⁶⁵⁵ Zeitoun & Jeroen 2006

⁶⁵⁶ Selby (undated). For discussions of the various definitions of “hegemony”, see part 3.3.2, in particular the footnote *notes on Gramsci*. See also part 14.3.2, in particular the footnote with *reflections on non-violence*, and part 14.4.1, in particular the footnote with *reflections on structural violence*.

⁶⁵⁷ Potete, Janssen & Ostrom 2010: 245

coercive force) and civil society (understood as hegemony of social power). The point is that state (trans)formation cannot be reduced to the history of coercive force, because transformations of constituent norms and constituent knowledge may also have impact on state (trans)formation. This also means that the state is not something external to civil society, and consequently, that the state can hardly become a neutral or objective arbiter between private interests. State formations are cultural practices, with cultural biases.

In the following section, I will analyze how the Alta-dam conflict contributed to the transformation of the state in one of the watersheds within the territory where Norway and Sápmi overlap. What I seek to explain is the re-constitution of *formal norms* in the Norwegian state formation (Explanandum). Thus, the task is not to explain the parallel process whereby indigenous *informal norms* in Sápmi continuously maintained and developed in Sápmi. This other process is one of several components of the environmental context of what I seek to explain (and thus part of Explanans 1). Only at the end of the final empirical chapter will I discuss the *de facto* co-evolution between Norwegian state law and Sámi indigenous law, in spite of *de jure* attempts by state builders to deny and suppress the more ancient normative system. The present chapter, nearly without exception, will only trace pathways of social power, whereby the existing state was transformed, through transforming the *hegemonic social power* within it. The social conflict transformed the social constitution of the state. There are, however, a very few notable exceptions that actualize the issue of hegemonic coercive force as well. The most significant example is the failed attempt from some leaders of in the pro-dam coalition to mobilize the army against the protestors. However, the most publically known example is the failed attempt to sabotage a bridge, by an autonomous anti-dam action group. These are singular examples, but they remind us that even though it would be wrong to reduce state (trans)formation to coercive force, it might also be misleading to reduce it to social power. A state is *not only* a virtual monopoly of violence; it is this *as well as* an arrangement of social power. Norwegian state laws are, after all, policed and defended with institutional violence (unlike Sámi indigenous law, which is policed and defended by social sanctions alone). The publically outspoken Sámi organization NSR was clearly anti-dam, and clearly committed to seeking constituent power by redefining the hegemony of social power. However, its less outspoken sister organization SLF was pro-dam, and very much aware of the existing hegemony of coercive power within the existing state formation. During the Alta-dam conflict these organizations would find themselves on opposite sides of the cleavage, but during the epilogue to that drama, or its aftermath, they may have become more complimentary.

I will first analyze the *structure* of the conflict that was described in the previous chapter. Thereafter I will analyze the *process* of this same conflict. Finally, I will draw some conclusions

regarding how issue networks twinning, as a micro-sociological explanation, may help us to formulate a hypothetical meso-mechanism concerning how issue networks may succeed in broadening their scope of action, and constituent the power to re-define the form of the constituted hegemony. Thus, I will propose a mechanism that serves to describe a social-ecological pathway to state transformation.

Methodological note: For Laclau and Mouffe, discourses are material praxes, a productive basis in their own right, and not merely a superstructure that reflects a basis.⁶⁵⁸ Similarly, Latour traces communication through socio-material networks of practices. However, he zooms in on the heterogeneities that might be uncovered within any discursive formation. This attention to detail and plurality prevents him from generalizing about any hegemony.⁶⁵⁹ Latour asks questions of relevance to the practical purpose of destabilising ideological prejudices (of whatever form), while Laclau and Mouffe ask questions of relevance to the practical purpose of empowering (some form of) counter-hegemony. Laclau and Mouffe are critical of dominant ideologies, while Latour is critical of ideology per se. The practical purposes are different, and consequently, the theories and methods are different as well.

7.3.0 The stage: cleavage structures

7.3.1 Local human ecology: a subaltern social basis for two political blocs

Let us build the sociological analysis from the ground up. We start at a subaltern level, within the affected region itself. To the existing historiography of the Alta-dam conflict, I have added a *few samples* of the local *human ecology*, by adding some historical ethnographic studies to the other sources that had been taken into account in the earlier historiography.⁶⁶⁰ Thus, I have found rather clear indicators of a cleavage structure that was quite different from how it is being presented in the existing historiography.⁶⁶¹

Before the Alta-dam conflict became a *public* contention, one bloc had already taken *discrete* action to further a contentious industrial development program. *The ruling bloc* had already

⁶⁵⁸ Laclau & Mouffe 2001 (1985): 109

⁶⁵⁹ Latour 2004

⁶⁶⁰ Ethnography on downstream Alta area: Horgen & Norddølum 1987; Ethnography on reindeer nomadism along the entire Alta river: Bjørklund & Brantenborg 1981

⁶⁶¹ The existing historiography is constituted by the works by Dalland 1994 and Hjorthol 2006.

seized control over the state apparatus and used it to push for an industrial vision of modernization. This ruling bloc I call “activists for the activist state”: combining more or less liberal nationalism, with more or less moderate syndicalism, they had reached internal agreement on the virtue of national economic growth. They consolidated their hegemony by pushing for a fully centralized activist network, with a state-centred monopoly of legitimate political activities in a given territory. *The opposition bloc* was composed of various new social movements, which channelled demands for environmental protection and indigenous rights. They were close to social liberal parties and the new left, and pushed for more pluralism, decentralization and grass roots democracy. *Both sides* included both socialists and liberals. *Both sides* included both social elites and subaltern classes. This unique cleavage structure may be the most interesting empirical contribution of my historical description (see Chapter 6). The actual empirical data indicates that it was slightly misleading when Hjorthol framed the conflict as one between the *state* and the *people*. It clearly was not. On the contrary, the conflict produced a *cleavage within the state apparatus*, as well as a *split within the local population*. Hjorthol had actually found good data on the internal political struggle within the government and the governing party. I have supplemented this with some sources regarding intellectual history and historical anthropology. The ethnographical sources improve our understanding concerning *the subaltern social basis*. Hjorthol tells us that the popular support for the planned dam was particularly strong in Tverrdalen. This was a local community to the eastern side of the Alta fjord, around a small tributary river to the main Alta River. The ethnographers Horgen and Nordøllum described this area in the 1970s. Tverrdalen was culturally Norwegian, mainly inhabited by descendants of poor settlers from Østerdalen in Southern Norway. Tile mining was the main source of income for the community, and this trade was in the hands of local cooperatives. The industry was controlled by the workers themselves. The community had a history of radical left-wing syndicalist activism, but had a strong loyalty to the Norwegian Labor Party, and had followed the party into its social contract with the national capitalist class. They were generally in favor of industrial development for the region. Their valley was next to the chosen path for the construction road, which had to be built in order to actualize hydropower development. This road came in conflict with migrating reindeer husbandry, a trade that gave work to subaltern herders, but one that was controlled by prosperous reindeer owners. The anthropologists Bjørklund and Brantenborg knew the human ecology of the local reindeer husbandry, and were hired by the reindeer owner's association (NRF) to testify in court. When taken together, the two ethnographic studies indicate that there was a conflict of interest between subaltern reindeer herders, who were dependent upon the reindeer owners, and subaltern tile workers, who were dependent upon the party bosses.

It is not unusual that poor settler communities become useful instruments for political elites that colonize the lands of indigenous peoples. That happened with Scandinavian and even Sámi peasants who migrated to the so-called “Wild West”, and it happens with Russian Jews in modern day Palestine. It would have been interesting to research if there was any connection between labor militancy in Tverrdalen and the pro-dam action group *Borgervernet*. When the construction road became occupied by so-called “frikere” from the urban middle class and so-called “fjellfinna” from Inner Sápmi, and the local sheriff (*lensmann*) allowed it to happen, the inhabitants in Tverrdalen would have been the geographically closest to react. This question has not been researched yet.

The polarization between subaltern tile workers and subaltern reindeer herders becomes even more interesting, and more nuanced, when we also introduce the Coastal Sámi population into the equation. There were fisher-peasants in Alta Fjord, just as there were along other parts of the Barents Coast, but they were superficially assimilated into Norwegian standardized national culture. Three generations earlier, in 1900, the registered number of Sámi citizens in Alta municipality had been 10 %.⁶⁶² However, at the beginning of the Alta-dam conflict, in 1970, the registered number was only 1.9 %.⁶⁶³ Thus, the downstream municipality seemed to have become almost totally assimilated, even though the upstream municipality is the most purely Sámi of all municipalities in the entire Sápmi. The local fisher-peasants in the Alta Fjord were not particularly active when *Samenes Landsforbund* (SLF) was created. However, the pattern that Coastal Sámi tended to be in favor of the dam and loyal to the Labor Party, corresponds with the pattern in the Alta Fjord. Gradually, more people along the Alta Fjord would also start to identify with their own Sámi ethnicity, rather than the superficially standardized national culture. In 2005, when the Sámi Parliament became established, SLF was against it, because they did not frame it as representing any real progress for the minority-within-the-minority. Nonetheless, as many as 6 % of the citizens in Alta municipality chose to register as voters for the Sámi Parliament.⁶⁶⁴ That is a rather striking difference from the 1.9 % registered Sámi at the beginning of the Alta-dam conflict. When that many cared to register, in spite of the policy of SLF, it indicates that the part of the population with an ambiguous ethnic and cultural sense of belonging was considerably larger than the number of registered Sámi in 1970. In sum, we can clearly conclude that the *subaltern* social basis of the *pro-dam* bloc included *at least* two especially interesting social groups: ethnically Norwegian tile workers in Tverrdalen, and ethnically Coastal Sámi fisher-peasants along Alta Fjord and other parts of the Barents Coast. This conclusion is based on data on the subaltern social strata in Alta municipality, the downstream area of the Alta-Kaunokeino River. I have not examined the data

⁶⁶² Eijorsson 2008: Chpt. 1 (see in particular Tables 1 and 2 at pp. 21 and 23)

⁶⁶³ Eijorsson 2008, *ibidem*

⁶⁶⁴ *ibidem*

concerning social strata in the Kautokeino municipality, in the upstream parts of the river. The local community Mázi and the larger village Kautokeino housed the homes of many subaltern subsistence practitioners. The salmon resources in the Alta-Kautokeino River, unlike those in the Deatnu River, had become largely capitalized, with British lords and the local tourist industry controlling much of the fishing rights. However, many local people still fished for subsistence, and many had income from tourism. These practices may be seen as modern adaptations of ancient Sámi subsistence practices. *Firstly*, the local people along the Alta-Kautokeino had once been part of a vibrant River Sámi culture, similar to the one that still exists in Deatnu River.⁶⁶⁵ *Secondly*, most local people in Sápmi previously combined angling, hunting and gathering, and these are practices where ancient customs and traditional knowledge have been maintained and developed in Sápmi. *Thirdly*, their income from nature tourism may be seen as one of several traditional livelihood adaptations in the economically diverse subsistence economy of Sápmi. This view was presented to me by some local Sámi in Utsjoki along the Deatnu River, though their version of oral history may be controversial.⁶⁶⁶ *Fourthly*, the reindeer herders that were employed by the reindeer owners were a subaltern group who were dependent on sustainable reindeer husbandry. The fourth point has nothing to do with sustainable fisheries. However, the construction process disturbed the annual migrations of reindeer nomads in such a way as it was seen as a threat to sustainable husbandry. These four points are merely indications about the possible structure of subaltern groups in upstream areas.

Table 7-1: *The social composition of the two blocs*

	<i>Pro-dam bloc</i>	<i>Anti-dam bloc</i>
Elite segment	Industrial owners, syndical bosses Technocratic elite Labor Party, Conservative Party	British lords, reindeer owners Academic elite, media elite The centrist parties, the new left parties
Subaltern segment	Tile workers in Tverrdalen (Norwegian) Fisher-peasants (Coastal Sámi)	Subsistence practitioners (River Sámi) Reindeer herders (Mountain Sámi)

The data are unambiguous about the fact that the pro-dam coalition was not only composed of elites, and that the anti-dam coalition not only consisted of local subalterns. On the contrary, some local subaltern groups provided a social basis for the pro-dam bloc, while some elites provided economic and political capital for the anti-dam bloc (see Table 7.1). *The pro-dam bloc* included industrial owners, trade union centralists, and technocrats. But it also included local Coastal Sámis affiliated to the SLF, and local tile workers in syndicalist cooperatives, who were

⁶⁶⁵ Solbakk 2007a

⁶⁶⁶ Interview with Tapiola, Aslak, interpreted by Katja Tapiola, Utsjoki, 6th February 2011

descendants of ethnically Norwegian settlers from Østerdalen. *The anti-dam bloc* included local outfield practitioners and reindeer herders, but it also included politicians, judges, academics, prosperous reindeer owners, and rich British lords who owned angling rights along the river.

7.3.2 Agonistic issue networks: liberal and radical issue nets in both blocs

Let us now dissect the social composition of the two *agonistic issue networks*. The two issue networks competed against each in a social conflict. This relation is agonistic, implying competition combined with recognition of the right to compete for both parties.⁶⁶⁷ On the one hand, I will unpack the agonistic organizational *networks* of the two blocs (Table 7.2). On the other hand, I will also unpack the agonistic political *issues* of the same two blocs (Table 7.3). Thus, we will deal with two central topics of empirically based social movement theory: *networks*, or resource mobilization; and *issues*, or framing processes; in sum: *issue networks*.

Table 7-2: Agonistic organizational networks: organizations (NGOs) and networks (SMOs) in two blocs

	<i>Pro-dam block</i>	<i>Anti-dam block</i>
Social-liberal segment	Conservative party Confed. of Norw. Enterprise (NHO) Committee for Work and Order	Centrist parties (V, KrF, SP) <i>Altautvalget</i> <i>Folkeaksjonen</i> (locally) Friends of the Earth (NNF) Deep ecology movement Reindeer owner org. (NRF)
Social-radical segment	Labor party Norw. Fed. of Trade Unions (LO) <i>Samenes landsforbund</i> (SLF) <i>Borgervernet</i>	New left parties (SF, AKP) Future in our Hands (FIVH) <i>Folkeaksjonen</i> (nationally) <i>Sameaksjonen</i> / ČSV movement Indigenous rights org. (IWGIA) <i>Nors. Samers Riksforbund</i> (NSR) N. Somby's independent action cell

Within the Alta-Kautokeino watershed, there was one conflict line between divergent *social-liberal* interests, and another conflict line between divergent *social-radical* interests. When I use the terms liberal-radical, then it is in accordance with the Pre-Marxist political spectrum. Around the time of the 1848-revolutions, *radicals* wanted freedom, equality and brotherhood during their own life span, while *liberals* preferred a gradual path to the same goal. Conservatives were skeptical, while the reactionaries turned to an imagined past. Radicalism was radically democratic, liberalism only moderately so. Henrik Ibsen was a classical radical, and proud of it. This Pre-Marxist right-left

⁶⁶⁷ This way of using the terms agonistic and antagonistic is in line with Laclau Mouffe (2013). Her “agonistic pluralism” is a theory of democracy that emphasizes tolerance of conflict.

spectrum may perhaps also fit the new social movements during the Alta-dam conflict.

During the Alta-dam conflict, both blocs contained both elites and subalterns, and both blocks also contained both liberals and radicals.

Table 7-3: *Agonistic political issues – framings and discourses in the two blocs*

	<i>Pro-dam bloc</i>	<i>Anti-dam bloc</i>
Social-liberal segment	Industrial development - national economic growth - internat. competition, red scare	Sustainable development - sustainable angling & tourism - sustainable reindeer husbandry
Social-radical segment	Socio-economic development - jobs for all, fighting poverty - give to the poor - avoid stealing from the rich	Social-ecological balance - grass roots democracy - indigenous human rights - anti-colonialism / decentralization

Among the social-liberals, there was a cleavage between different trades. On the pro-dam side was the *aluminium industry*, which required huge amounts of electric power in order to grow. On the anti-dam side were the local *tourist industry* and the local *primary sector*, both of which having a shared interest in sustainable river fisheries, and the latter also in sustainable reindeer husbandry (Table 7.2). Those different economic interests were affiliated with different political parties. The industrialists were backed by the Conservative Party. It was, in principle, more market liberalist than social liberalist. However, with the corporatist social contract, it had taken over much of the liberal-nationalist patriotism that had formerly belonged to the Liberal Party. The latter party, together with the agrarian Centre Party and the evangelist Christian People's Party, constituted what is often defined as the “centre” in Norwegian politics, though this is a distinct political tendency, neither socialist, nor capitalist.⁶⁶⁸ It is historically close to agrarian interests, and centre-periphery struggles. These so-called “centrist” parties supported the local tourist industry and primary sectors, with their demands for sustainable river fisheries and sustainable reindeer husbandry. Prosperous reindeer owners at that time were less affiliated with the Conservative Party than today, following recent reforms of the state, as well as structural adjustments of their trade. The “centrist” parties had been close to the agrarian interests and the peripheries, but the Liberal Party also had an urban tendency, and this had been in favour of nature preservation on aesthetic grounds. This issue mutated during the 1960s, with increased knowledge about ecology. During this decade, the Friends of the Earth (NNF) established a branch in Norway. Arne Næss and Sigmund Kvaløy started to develop “deep ecology”. The environmental movement remained largely liberal. This was also the case for the non-violent direct action repertoires that had been developed in the actions against hydropower development in Mørdalen: By suing the state, the activists aimed at testing the legality

⁶⁶⁸ Rokkan & Flora 1999: 374-6

of the planning procedures, and in the meantime, they blocked the beginning of construction with civil disobedience. The justification for civil disobedience was the value of the rule of law. This eco-political movement had a historical affiliation with the social-liberal centre parties, through shared framings and issue nets (Table 7.3). This social-liberal tendency was clearly distinct from the other one. The industrial owners and the Conservative Party had developed a hegemonic bloc with the Labor Party, starting with the first tripartite agreement in 1936, and deepening when the Labor government had been exiled in London from 1940 to 1945. For the Conservative Party, it was less important to conserve natural and cultural heritage, than to secure profit and to bolster against the red scare next door. *Industrial development* was the main issue for liberal issue nets in the *pro-dam* bloc. *Sustainable development* was the main issue for the liberal issue nets in the *anti-dam* bloc.

Among the social-radicals, there was another cleavage, and this may be more interesting from a pro-poor perspective. When *Borgervernet* and *Folkeaksjonen* clashed, they both expressed radical demands from subaltern interests, which were split over the issue of hydroelectric development. *On the one side* were militant syndicalist activists, defending industrialization, to advance their demands for social development. *On the other side* were disobedient indigenous rights activists, who resisted industrialization, to defend environmental justice. Those antagonistic SMOs channeled the radical energy of different subaltern interests: on the one side, that of the mining workers, comfortable with the policy and ethnicity of the Norwegian nation-state, on the other side, that of reindeer herders, marginalized by the political economy of the state, and by the semiotic economy of the nation. In the past, the Labor movement and the Sámi movement had been aligned. Martin Tranmæl and Elsa Laula spoke at the same meeting in 1917.⁶⁶⁹ At that time, the more or less liberal nationalists had thrown Europe into nationalist war, while the more or less libertarian socialists were preparing for international revolution. However, in the 1920s, the revolution had degenerated into civil war in Finland and Spain. During that decade, the Norwegian Labor Party changed strategy from revolutionary international syndicalism, to parliamentary national corporatism.⁶⁷⁰ The first tripartite agreement in 1936 allowed the Norwegian Labor Party to form its first stable government. At the same time, the Sámi political organization on the Norwegian side of Sápmi collapsed.⁶⁷¹ The party had swapped alliances. The new health minister Karl Evang took over the administration of eugenic policies against Sámis and Kväns.⁶⁷² The so-called “class peace” may have been necessary in order to accommodate right-wing corporatists, but the price appears to have been an ethnically based “class betrayal”.⁶⁷³ Tranmæl had been a revolutionary

⁶⁶⁹ Jernsletten 1999

⁶⁷⁰ Furre 1996: 122-129

⁶⁷¹ Jernsletten 1999; Otnes 1970

⁶⁷² Slagstad 2001 (1998): 203

⁶⁷³ Jensen 2013

syndicalist. He had *embraced* the inter-national solidarity of *the class*, and *rejected* the inter-class solidarity of *the nation*. Thus, his choice of “political myth” had been similar to that of Georges Sorel.⁶⁷⁴ But others amongst Sorel's followers had turned to their teacher's enemy, namely nationalism, as the more potent myth.⁶⁷⁵ They had invented *authoritarian corporatism*, which became a “historical bloc” during the Spanish and Finnish civil wars. Recent research indicates that such tendencies also challenged labor power at the Norwegian side.⁶⁷⁶ It may very well be that civil war was avoided by the invention of *parliamentarian corporatism*. A novel “political myth” was invented, which enabled another “historical bloc” to emerge. Through the first tripartite agreement in 1936, the Norwegian Labor Party swapped from revolutionary syndicalism to liberal nationalism. However, the Norwegian liberal nationalism was rather illiberal when it came to explicitly eugenic and colonialist administration of the Sámi and Sápmi.⁶⁷⁷ These policies were simply taken over by the first Norwegian Labor Party government in 1936.⁶⁷⁸ With its combination of racism and liberty, colonialism and democracy, liberal nationalism led to opposite political outcomes for the in-group and the out-group. This was the case for Sámis and Kväns under Scandinavian states, as it was for Indians and Irish under Britain. It cannot have been easy for the Norwegian Labor Party to create a fusion between liberal nationalism and revolutionary syndicalism. It appears to me that the most *central significant* in the new “political myth” must have been *GDP*. By embracing intensive industrialization, national capital accumulation, and international competition, it would be possible to combine private capitalist profit with public social security, within the boundary of national(ist) solidarity. *Constant growth in GDP* was necessary in order to give to the poor without taking from the rich. Constant growth in GDP was a way to combine the issue areas of *industrial development* and *socio-economic development* (Table 7.3).⁶⁷⁹ The struggle between authoritarian corporatism and parliamentarian corporatism would continue from 1940 until 1945, when Norway was under Nazi occupation. In Finnmark County, where Alta River is located, Norwegian and Sámi partisans fought together, under command from *Murmansk*. Stalin's army chased Hitler's forces away from Finnmark in 1945. The latter used the burnt soil tactics and post-war reconstruction started with traditional Sámi turf huts. The distance to the capital city was great, both geographically and politically. Around the capital city, resistance had been coordinated from *London*, by the exiled king and Labor Party government.⁶⁸⁰ From there, the far north province was seen as the “Red County”. In order to

⁶⁷⁴ Laclau and Mouffe 2001 (1985): 36ff regarding Sorel

⁶⁷⁵ Laclau & Mouffe 2001 (1985): 41

⁶⁷⁶ Klykken 2013

⁶⁷⁷ Pedersen 1999; Skorgen 2002

⁶⁷⁸ Slagstad 2001 (1998): 203

⁶⁷⁹ It would have been interesting to re-visit the social-democratic history of economic development in terms of dependency theory (Jensen 2013b, in Red Seca), but that has not been done so far.

⁶⁸⁰ “The Royal Norwegian Labor Party”, in the nomenclature of the new left, was an ironic label of the post-war hegemony

accommodate it into the Western Bloc, a regional development plan for Finnmark was adapted in the 1950s, under the Marshall Aid program.⁶⁸¹ The eugenic policies towards Sámis and Kväns had continued even after racism had become discredited through association with the Nazis, but from the 1950s, the ethnic assimilation policies would be gradually liberalized.⁶⁸² However, in 1951, the Labor Party also enacted new laws that weakened the civil liberties of pro-Soviet dissidents (*Beredskapslovene*).⁶⁸³ When the party elite eventually decided that the state should join NATO, it led to a splinter in the left. From the Labor Party, the Socialist People's Party (SF) broke out, and from SF, the Maoist party AKP (ml) broke out. These parties became the new left. The *new left* parties were hostile to *both blocs* of the Cold War. The social radical opposition combined issues of social justice, typical of the social radical hegemony, with issues about sustainable development and de-centralization, typical of the social-liberal opposition (Table 7.3). This fusion of issue-areas is what I have called *social-ecological balance*. This form of political issue, framing, or myth was potent for the purpose of mobilization against the myth of constant growth in GDP as a goal in itself. The Socialist People's Party (SF) was also entangled with the environmental movement. It was concerned about the limits to growth, and was close to the NGO called The Future in Our Hands (FIVH). Attention should be turned from GDP to quality of life, and the recipe for this was growth for developing countries, but de-growth in industrialized countries.⁶⁸⁴ However, the Maoist party AKP (ml) had a clearer anti-colonial stance. They were in favour of counter-hegemonic strategies, not development aid. The strategy in Norway was to influence the strategies of various other social movements, such as *Folkeaksjonen*. While the new left parties had emerged, the Sámi political organizations had also re-emerged. The struggle for *rights* and for *proofs* had resumed with the establishment of The Nordic Sámiráđđi (regarding rights) and The Nordic Sámi Institute (regarding proofs), both with funds from the Nordic Council. The re-emergence of Sámi organizations and the emergence of the new left coincided in time, and both may be a result of increased pluralism and liberty in the 1960s. Both the renewed left and the renewed Sámi organizations were in favour of better conditions for subaltern classes. Both succeeded in making themselves relevant for subaltern groups in the upstream parts of the Alta-Kautokeino river area. However, they remained rather alienated from the subaltern classes in the downstream areas. The subaltern tile workers in Tverrdalen and the subaltern fjord fishers in Coastal Sápmi would remain loyal to the Labor Party and the pro-dam coalition. Some militant local subalterns would organize *Borgervernet* in order to do the job they perceived that the local sheriff (*lensmann*) should have done. The more discrete Coastal Sámis chose to establish *Samenes Landsforbund* (SLF) in order to

⁶⁸¹ Slagstad 2001 (1998): 314

⁶⁸² Minde 2005a

⁶⁸³ Furre 1996: 237-8

⁶⁸⁴ Damman 1975

push for rights within the democratic centralist framework of the Labor Party.

Summa summarum, what is the most interesting observation about liberal and radical issue networks within the two political blocs? I have mapped two topics of general interest to empirically based social movement theory: *networks*, or resource mobilization; and *issues*, or framing processes. I have tried to be nuanced and empirical, but have not pretended to be a neutral. I was born during the Alta-dam conflict, and was raised within a cultural environment that was generally sympathetic to the anti-dam coalition. I have been a member of some of the mentioned organizations (SF, NFF, FIVH, LO). However, unlike Hjorthol, I have not become an organic intellectual of the Anti-dam bloc. Instead, I have chosen a *postcolonial* standpoint close to the *Subaltern Studies Project*.⁶⁸⁵ I have taken an interest in how the new left and the Sámiráddi were *alienated from* the practical realities of some subaltern classes in downstream areas. Similarly, I have taken an interest in the *visionary idealism* of the technocrats in the Norwegian Water Resources and Energy Directorate (NVE). The oppositional anti-dam bloc was in favour of decentralization and pluralism – but failed to attract some subaltern classes that constituted the local social basis of the hegemonic pro-dam bloc. This is an observation that is relevant for indigenous rights movements and other environmental justice movements.

7.3.3 Cleavage structures: the split subaltern basis and the divided elite networks

This analysis was built from the ground up, by starting with subaltern interests in the local social ecology within the Alta watershed itself. Thus, I found that both blocs had a local social basis amongst the subaltern classes. From there, I proceeded to dissect the social composition of the two blocs. Within both block I found various elites, which I sorted in two categories: social-liberal and social-radical issue networks. I traced some of the *network formations* within each bloc, and suggested some hypothetical generalizations about collective *issue formation*. In particular, I was interested in how the liberal and radical elites in both blocs failed to accommodate the subaltern social basis of the agonistic bloc. The ruling coalition had been composed of the old social movements, liberal nationalism and radical syndicalism, and this bloc seems to have brought democratization for ethnic Norwegians, but eugenic administration of Sámis and Kväns. Outfield users and reindeer herders in Inner Sápmi remained suppressed, and constituted a potential social base for mobilization. The oppositional coalition was composed of new social movements: a liberal pluralism and a radical “new left”. They addressed the tensions that had been left unresolved by the ruling coalition. Thus, they succeeded in gaining support from the subaltern social basis in upstream

⁶⁸⁵ Chakrabarty 2000; Spivak 1988; Chatterjee 1993

parts of the Alta watershed. However, they remained alienated from ethnically Coastal Sámi fjord fishers and ethnically Norwegian tile miners in downstream parts of the Alta watershed. Those social groups remained dependent upon the ruling coalition, and seem to have been its most ardent supporters.

I have now mapped the cleavage structure, the stage, or the socio-material terrain. It has been explained with reference to earlier history, but the cleavage structure itself has been portrayed as a static snapshot, a “synchronic” perspective. Let us now turn to its internal dynamics: how issues and networks unfolded over the course of the Alta-dam conflict, the “diachronic” perspective.

7.4.0 The drama: constitutional process

7.4.1 Twinning issue nets: First Act

Let us now change focus from structure to process. I have mapped a static overview of the stage, cleavage structure or socio-material terrain (synchronic perspective). Now I will trace its coming into being, how issue networks unfolded, generated new networks and ties, and renewed old ones (diachronic perspective).

Now I will trace: how the two coalitions *upscaled* their actions from a local level, by *twinning networks* (act 1); how they became two agonistic *historical blocs* within a wide contentious constitutional process (act 2); and finally, how the dominant bloc *confirmed* and *amplified* national hegemony (act 3), while the opposition took the struggle onto a global scale (epilogue or postlude).

Act 1 in the Alta-contestation was provoked by a contentious act: the secret planning of a hydroelectric development project, which was well known to be a controversial issue. This was already a contentious political action, and the planning had been initiated in 1968, by visionary technocrats in the ruling political bloc. When the plan leaked out in 1970, it immediately provoked organized political resistance in the affected communities. Local issue networks were formed. Through joint action within and beyond the watershed, they would *twin the issue nets*, and *upscale* the scope of action.

(i) *The river itself* made a potential community of fate, but the tactical framings chosen by *Folkeaksjonen* facilitated the actualization of such a community: a faith-community-of-fate. When the plan leaked accidentally in 1970, it provoked the formation of a series of locally based SMOs. The plans to divert the flow would affect the habitat of all local communities in the Alta-Kautokeino

watershed. The commission for the protection of Máze voiced *upstream interests*, related to reindeer husbandry and the relevance of Sámi customary law. *Altautvalget* mainly voiced *downstream interests*, related to sustainable salmon fishing. *Folkeaksjonen* voiced *both kinds of interests*: Locally, they emphasized downstream interests, because indigenous rights were seen as a potentially divisive issue among the local population. Nationally, they emphasized upstream interests, because indigenous people were perceived as exotic by capital city folks. The river itself had facilitated the *first* instance of *twinning of issue nets* from across geographically dispersed networks.

(ii) The *second* instance of issue net twinning went beyond the local community.

Environmental activists in *Altautvalget* recruited Friends of the Earth Norway (NNF), with its headquarters in Oslo. They had contacts in the offices of the Ministry of the Environment. They also recruited transnational contacts, including a salmon zoologist in Scotland. With the environmental movement, a whole *epistemic community* was mobilized, both transnationally and nationally.

(iii) However, the *third* and massive popular mobilization was done by *Folkeaksjonen*. This organization was unconventional by seeking a national scope for its activities, but with their headquarters established within the affected province, and not in the capital city. After having demonstrated some success, they organised a large counter-culture festival at the site. The deep ecologists and civil disobedience veterans from Mardøla action were there, and courses were given in militant non-violent techniques. Radical human rights activists from various places in Sápmi attended. Activists with experience from indigenous activism in Greenland and North America came too, met with others, and formed *Sameaksjonen*. The festival created a *temporary centre* in the periphery, a *node of empowerment*, where local subalterns and fishing rights owners bonded with new social movements and counter-culture freaks. It was like a big jazz jam: all participants improvised around a shared theme, and new structures emerged. From this cultural festival *new networks* and *new repertoires* were generated.

(iv) The *fourth*, and perhaps the most spectacular instance of network twinning was when *Sameaksjonen* began its hunger strike. While *Folkeaksjonen* had been unconventional in bringing the urban middle class to the affected site, *Sameaksjonen* was unconventional in bringing affected groups to the centre of power. The hunger strike took place in the capital city, in a traditional Sámi tent, on the lawn in front of the parliament building. Thus, the theatre of protest was brought from the affected area to the main node of power. This was a semiotically potent act. By playing on easily recognizable ethnic markers, the indigenous rights activists succeeded drawing attention to the national(ist) bias of the national parliamentary system. Some of the main national newspapers gained sympathy for the anti-dam cause.

Constituent praxes: The *oppositional bloc* emerged by twinning nets and upscaling, and

they expanded with such a forceful momentum that the protests continued when the parliament closed the conventional policy process. The broad protest movement confronted all three branches of state power: liberals appealed to the court, moderates asked for a new parliamentary process, and radicals were determined to bloc the executive power. While protesting, the anti-dam coalition gained ground within the public sphere, the “fourth branch” of power. Thus the anti-dam coalition *became more than a protest movement: it gained a potential constituent power*.

Constituted order: *The ruling bloc* included various initiatives to counter the new challenge from the emerging bloc. For *local pro-dam activists*, the growing movement for civil disobedience was perceived as a threat. Subaltern workers in Tverrdalen and subaltern fisher-peasants in the Alta fjord may have been suspicious of counter-culture youth from the urban middle class. For the local subaltern classes, their livelihood was at stake. If I am correct in my hypothesis, that subaltern tile workers and coastal fisher-peasants were actually economically dependent on party comrades within the capitol building in the capital city, then the anti-dam movement actually would constitute a potent potential threat to their local livelihood. The new left had been impotent in making itself relevant for the subaltern classes in the downstream areas of the Alta watershed. Something had to be done. *First*, some local people formed *Borgervernet*. They were tired of waiting for the police to restore what they framed as law and order, and decided to do that job themselves. *Next*, some party centralists tried to mobilize the national army. Military reaction was in fact their first preferred option. However, other party centralists bloced this proposal. The prime minister had to conduct a balancing act. This may be an indicator of actual checks and balances in the potential power of the two blocs. It may also be an indicator of internal pluralism and adaptability within each bloc. However, it is clear that when there was debate about using such drastic means, the ruling coalition must have *feared a potential loss of constituted power*.

Explaining Act 1: Act 1 had started when a hegemonic coalition had taken contentious action through government channels, thus provoking local political resistance amongst some affected groups. Act 1 ended when the anti-dam coalition had upscaled, and was capable of challenging hegemonic power. The ruling coalition had previously constituted hegemony when *old social movements* had *twinned their nets* and *upscaled*, only a generation earlier. The new, emerging coalition constituted itself when also *new social movements* *twinned their networks* and *upscaled*. To explain this process, we may mobilize empirically informed social movement theory. In other empirical cases it has been observed how territorially and socially dispersed social movements may congregate, for mutual self-empowerment in joint action. Through the process of working together, movements may generate new organizational and discursive resources.⁶⁸⁶ Firstly, by pooling

⁶⁸⁶ Della Porta & Piazza 2008

resources, new social networks emerge and social capital is generated. Secondly, by deliberating over shared issue areas, new common causes are defined, and intellectual capital is generated. In terms of practical action, issues and networks go together, and by twinning old issue networks, new and wider issue networks are being generated. The expansion of the issue network led to the re-definition of the collective framing of the issue at stake, and also, to capability of having an impact on wider policy networks, which operate at a “larger” or “higher” geographical “scale”.

7.4.2 Definitional power: Second Act

Act 2 was a conflict at two levels, a *local conflict* about development in the Alta-Kautokeino river basin, and a *regional conflict* to define the institutions of the political system. Both blocs had upscaled by twinning various issue networks across dispersed geographic locations. The twinning of networks had provided the opportunity for those who were discontent with technocratic development, to form an oppositional power bloc, pushing for sustainable development. Both blocs included both central and peripheral nodes. Above, I have mapped the social composition of each bloc, including the subaltern social basis of each of them, and also the social-liberal and social-radical traditions within both blocs. They also both included some powerful nodes of institutionalized power. *Both blocs* even included influential *nodes of power within the state apparatus*. The hegemonic bloc included a network of centralists within the largest and the second largest political parties; thus, they also controlled the *parliamentarian power*, and consequently, were in government. However, the bureaucratic apparatus of the *executive power* was split. The Ministry of Industry was the epistemic hegemon in techno-scientific matters within the state, and had eager support from the Ministry of Justice. The much smaller Ministry of the Environment was in the hands of environmental experts, who were largely sympathetic to the anti-dam coalition. Between the two stood the Ministry of Defence, a contested terrain, the frontline between the two coalitions. Inside the state apparatus, the anti-dam coalition had their stronghold in the *judiciary branch of power*, where the agitation of human right activists posed a threat to the government. *Both blocs* also included some influential *nodes of power outside the state apparatus*. The pro-dam coalition had their stronghold within private capital and shady semi-private affairs. That was the *industrial complex*, led by Hydro, a producer of aluminium and fertilizer, with hydroelectric power. The anti-dam coalition, by contrast, enjoyed an increasingly strong position within the discursive fields of the *mass media*, as well as specialized public spheres, such as social science and counter-culture. Even a considerable part of the Labor press diverted from party discipline, and supported the anti-dam movement.

Explaining Act 2: Act 2 in the Alta conflict may be interpreted as an *informal constitutional process* on a wide scale, with two opposing grand coalitions, both struggling either to maintain or to gain definitional power over policy priorities and research priorities. It was a struggle for social hegemony within the frame of the already existing state formation. To explain this process, we would have to go beyond the particular, localized examples of joint action within issue networks, and try to trace or map how the expansion of issue networks may constitute wider formations with some degree of spatial scope and some degree of temporal durability. Thus, we will have to switch from the micro-meso link, to the meso-macro link. This also implies that we no longer deal with entities that can be observed directly, but with patterns that can only be observed through their consequences. When I traced network twinning in Act 1, della Porta's empirically informed social movement theory was useful. I could have continued in that direction, by mobilizing Staggenborg's articulation of a general sociological theory from Randall Collins.⁶⁸⁷ However, I wished to use resources that are more explicitly sensitive to the *material* dimension of socio-material action situations. In line with Actor Network Theory (ANT),⁶⁸⁸ I proceeded by tracing how the *emerging (constituent) issue nets* generated new nodes of social power, and how they became involved with old nodes of power within the already *established (constituted) policy network*. Still, I did not keep the myopic focus on particular links and hubs. In order to get a grip of configurations of issue nets and policy nets, my historical description had to “look up” from the specific trails of specific ties in the network, and instead provide generalizing “overviews” of each of the larger configuration I came across. When I analysed the historical description, I had not yet discovered the Social-Ecological Systems (SES) framework. However, I followed the example of some similar research on how innovation spreads in ecological agriculture.⁶⁸⁹ From an SES perspective, the wider configurations are conceptualized as “levels of aggregation”. In principle, they should be mapped

⁶⁸⁷ Staggenborg 2002; Collins 1988

⁶⁸⁸ Callon & Latour 1981; Latour 2004

⁶⁸⁹ The concept “*scaling up and out*”, as I have used it, has been taken from the literature on social and technical innovation for sustainable development. The concept arrived to me from Deak (2008:17), who used it to discuss how community-based technologies may spread out and become a competing standard, without being co-opted by central nodes of power. This particular usage of the term “scale up and out” has a particular genealogy, that can be traced back through particular practical trials with rural development, led by particular INGOs for agricultural development (see Pachico & Fujisaka 2004:15, IIRR 2000:10, and IIRR 1999). However, the INGOs that developed the concept are highly controversial. They are being criticized by environmental justice actors (peasant's organizations, anti-corruption organizations), who accuse them of double standards (Lobbywatch 2002). This actualizes a larger debate among INGOs regarding the empowering potency of “participatory methods” versus the enduring domination of “donor states” (Williams 2004). Practices that during the 1980s were developed as a more democratic alternative to either of the two superpowers (Hulme & Turner 1990:58-64) were later adapted by the World Bank, donor states, and mainstream academia (see e.g. Ostrom & Ahn 2003). This led to a heated debate on whether the process should be seen as empowerment or cooptation of the subaltern classes (see e.g. Cooke & Khotari 2001 on the one hand, versus Hickey & Mohan 2004 on the other). In my opinion, one should not be over-optimistic about the opportunities for empowerment, but also not over-fatalistic about the limitations imposed by co-optation (Gaventa & Cornwall 2006). Such are the “sensitivities” that I strive to cultivate in my own research regarding the concept “scale up and out”. Struggle for hegemonies of social power may seldom be isolated from existing hegemonies of violent force, see my discussion of competing explanatory frameworks, Chapter 14.

with probabilistic techniques. In practice, historians and ethnographers may also have to suggest some generalizing statements about environmental macro-patterns. This I also did in my historical description (see previous chapter). However, in either case, whether the method is ideographic or nomothetic, the overview will nevertheless be limited by choice of causal model and the access to data. I believe that one particularly relevant aspect of the Alta-dam conflict is that it became a *struggle for definitional power*. This outcome may not have been determined from the beginning. Some of the “old boys” within the ruling bloc thought it was a good idea to defend the constituted power with coercive force, either by forming the extra-legal *Borgervernet*, or by attempting to use the army against the non-violent civil disobedient activists. They had experience from the Second World War, and from revolutionary syndicalism before that (see 7.5.2). They may simply have misunderstood what kind of game the emerging political bloc was playing. When the *challengers* fought for the capacity to form hegemonic *social power*, some of the “old boys” in the *ruling* coalition reacted by defending hegemonic *coercive power*. The struggle for hegemonic *social power* took place within a wide network of socio-material influence, both in the *emerging (constituent) issue nets* and also within the already *established (constituted) policy network*. New nodes of power were generated, while old nodes of power were enrolled: The local court in Alta was an already constituted node of influence, but interpreted the law in a similar way to the oppositional coalition. The Borgervernet action group was assembled as a new node of power, made to support the ruling coalition. Each political bloc mobilized resources in order to empower itself to *obtain definitional power*, and to *set the agenda*. There was a struggle for the capacity to *set the agenda for policy*, but also to *set the agenda for research*. This was a competition for the capacity to constitute the (socially) hegemonic *constitutional norms for policy*. It was also a competition for the capacity to constitute the (socially) hegemonic *epistemic norms for research*. In this struggle for definitional power, both blocs insisted that they were defending already existing norms, and consequently, the internal split of the judiciary branch of power was a significant frontline. The two competing social-liberal segments may both be characterised as liberal conservative: one wished to conserve industrial interests, another to conserve biological and cultural diversity. The two competing social-radical segments both pushed for new rights by redefining the old ones: Syndicalists within the ruling party pretended that the state had always desposed of the right to build dams in Inner Sápmi, while Maoists in the oppositional bloc pretended that longstanding Sámi Customs had preserved a classless society. These interpretations are incompatible, but neither is totally incorrect, and thus, neither is totally correct. Both blocks intervened into the continuous (re)production of social norms, both tried to influence what old norms would mean in a new context, and both changed the context for one another. Thus, the two blocs co-evolved, and as a result, nothing could be the same as it used to be.

7.4.3 Restored national hegemony: Third Act

Act 3 was the moment when the ruling coalition restored its hegemony, the pro-dam issue triumphed, and the associated framing of constitutional practices was imposed. As described earlier, the ruling coalition not only *confirmed* hydro-hegemony, but also *amplified* it: it was a restoration.

1. First, they *confirmed* democratic centralism as the mode of operation within the two largest parties.
2. Second, they *confirmed* the supremacy of the legislative over the executive, which was parliamentary constitutional practice.
3. Third, they *extended* the authority of the executive, by resisting the separation of powers between executive and judiciary.
4. Fourth, the Supreme Court took coordinated action with the police, to *discipline* a streamlined practice of fining further down the hierarchy of courts.
5. Fifth, the Supreme Court judged that the Ministry of Industry was the *hegemon* with regard to the settlement of *epistemic disputes*, thereby granting technocracy a status close to theocracy.
6. Sixth, the Supreme Court judged that *Sámi customary law* was *irrelevant* in the context of Norwegian state law, thereby rejecting its own precedent from 1968.
7. Seventh, the central leaders of *Folkeaksjonen* were found guilty of *sedition*.

Let me go into more detail about each action.

Actions # 1-2 were in defence of “democratic institutions” as they were framed by the ruling bloc: a combination of (a) democratic centralism within the political parties, (b) representative party democracy within the parliament, and (c) parliamentary authority over the government. The practices that we today might call “deliberative democracy” had no place within this model of democracy. Instead, the phrase “causal pressure groups” was used, implying a potential threat to democracy.

Actions # 3-4 harmonize the three branches of state power: the legislative, judiciary and executive. In accordance with the centralist-populist model of democracy, authority over technical and normative issues were concentrated and harmonized. In the existing separation of powers, the three branches of state power had already been asymmetrical. The executive had been subordinate to the legislative ever since the parliamentary system of government was introduced in 1884. This was supposed to increase the popular power of the nation as a whole. If the interpretation in my historical chapter is correct, then the Supreme Court decision in the Alta case also weakened the autonomy of the judiciary in relation to the parliamentary system of government. If so, it would

imply slightly increased parliamentary power for the majority, but decreased rule of law for the protection of minorities.

Actions # 4-5 reproduced hydro-hegemony. Firstly (Action 4), power was *re-centralized*, by confirming the absolute authority of state technocrats as arbiters of *epistemic disagreement*. If the Minister of Industry decided that ecology was less relevant than engineering, and economic anthropology less relevant than neoclassical economy, then this would be the correct settlement of an epistemic disagreement. This did not satisfy any part of the environmental movement. Scholars in ecology or anthropology might have hoped to be defined as authoritative in defining truth. However, grass roots democrats like the deep ecologists and the Future in Our Hands (FIVH) had hoped for more direct involvement of common people in epistemic matters. The expert-oriented and grassroots-oriented parts of the environmental movement disagreed with each other, but both were dissatisfied by the Supreme Court decision. Secondly (Action 5), power was *re-territorialized*, by confirming the absolute sovereignty of Norwegian state law in the northern peripheries, rejecting the existence of *Sámi customary law*. This did not satisfy any part of the indigenous rights movement. For the more state-centric Sámi political entrepreneurs, this might have been seen as the Supreme Court rejecting its own precedent of 1968. For the more community-centric Sámi activists, this judgment definitely represented no progress towards the distant goal of regional self-determination in Sápmi.⁶⁹⁰

Action # 7 confirmed that the hegemon must be obeyed, and that organizing systematic disobedience was a rather grave crime. This was in stark contrast to the local court in Alta, which had judged that non-violent civil disobedience had been a form of self-defence. Thus, there was a rather wide gap between the competing interpretations of the law, within the judiciary branch of power itself. If we take the viewpoint of Realpolitik, it is not strange that there was a perceived need to discipline the entire court system (see Actions 3-4 above).

Explaining Act 3: *Act 3* in the Alta-dam conflict was, in sum, was the moment when the hegemonic coalition of liberal nationalists and leftist syndicalists had restored their Leviathan. They restored the absolute supremacy of the parliamentary system of government. The cost for that gain was manifold: there would be a decreased social support for the system (as a result of decreased rule of law, suppression of customary law in Sámi areas, and the claim that state technocrats were supreme guides in epistemic matters). This judgment reversed a transformation towards increased pluralism. From the 1950s until the 1970s, a gradual liberalization of eugenic policies had had a liberating effect upon the Sámis. The Supreme Court decisions in 1982 and 1983 did not take any

⁶⁹⁰ "Read today, the ruling appears to fail to address the close interrelationship of culture and the economic activities of indigenous peoples", thus, "the reasoning by the supreme court appears today as simply erroneous" (Scheinin 2000: § 4.5).

step backwards towards racism, but did take a backwards step towards statism. The political regime within government became slightly more authoritarian: increased *de jure* centralization and territorialization of authority, but decreased *de facto* social legitimacy. *To explain* this process, we would need to choose concepts to get a grasp of macro-conditions: unobservable *structures* in the actual patterns of *concrete* observation. I think we need to balance two different conceptions of power: what Kate Nash calls *pluralist* theory and *elite* theory.⁶⁹¹ Elite theory is not the same as elitist theory, because it may also be critical of elitism. If we apply the SES framework, we generalize about general trends at an “aggregate level of accumulation”, while anomalies or particularities are removed from our focus. If we apply the ANT approach, we trace particular nodes and ties in particular issue nets and policy nets, while general patterns in the environment or context are removed from our focus. Either of those approaches is sensitive to some of the pluralities of power. They differ from classical elite theory, which proffers bold hypotheses regarding fatalistic determinism: the “iron law” of oligarchy. However, contemporary elite theory is adapted to a reality that is more obviously complex, and conceptualizes elite influence more as a series of elusive informal networks, similar to political corruption and lobby groups.⁶⁹² This makes sense in terms of ANT and SES, since the former is a “sociology of associations”, while the latter is observant of an actual mix of bureaucratic praxes and informal norms. During the Alta-dam struggle, most hierarchical organizations with national scope had their head quarters in Oslo. It was walking distance between the hyper-modernistic headquarters of the Norwegian Government (with ornaments by Picasso), the Norwegian Water Resources and Energy Directorate, the National Federation of Trade Unions (LO), and the Confederation of Norwegian Enterprise (NHO). State building itself has been conceptualized as the *harmonization of several centralized networks*: First, state-builders cultivate hierarchies, as centralized networks between nodes of centralized networks. Thereafter, the state-builders bring those different centres into *resonance*.⁶⁹³ Socio-material power was gathered from around the land, and focused in the court, around the person of the sovereign.⁶⁹⁴ Thus, even though we have a pluralistic conception of power, as with ANT or SES, this does not mean that zones of relative centralization do not coagulate. On the contrary, this happens all the time. However, ANT and SES assume that such relative centralization takes place against a general backdrop of social plurality (instead of any antisocial state of nature). One assumption is that centralized arrangements remain more or less unfinished, dynamic and plural. Another assumption is that all descriptions are either probabilistic or possibilistic, and thus fallible. We might always discover surprising pluralities if we have a closer look. The Alta-dam conflict actualized some

⁶⁹¹ Nash 2000

⁶⁹² Bobbio & Revelli 2011

⁶⁹³ Deleuze & Guattari 1988 [1980]: Chpts. 7, 9 and 13

⁶⁹⁴ Olwig 2002

internal tensions within the already constituted state and nation. Different elite clusters and different subaltern classes soon found themselves on either side of the contentious constitutional process. I have interpreted the Supreme Court decisions of 1982 and 1983 as *consolidation* on the part of the ruling bloc, but it may be equally correct to see it as a futile attempt to deny the *actual legal pluralism* that had been revealed by the conflict.

7.4.4 Emerging global justice movement: Epilogue

The result of the Alta-dam conflict, if seen in isolation, appears identical with its short-term outcome: a restored hegemony of technocracy, and an intensified conflict between this power on one side and indigenous customs and lore on the other. This is a story about how an already established social hegemony over land and water is being amplified, and resisted, but restored. So what about the long-term outcome mentioned in the literature: (a) improved *environmental regulations* and (b) the *first parliament* for the Sámi? Both appear to have been instituted during the *epilogue* of the Alta-dam conflict, via the *further interaction* of political forces. In the history of the Norwegian state, the Alta-dam conflict is the most conspicuous single event in the process that brought about the two mentioned changes. However, that something appears as a *conspicuous event* in history does not imply that it must necessarily be the most forceful actual *cause* of historical change. The *aggregate effect* of mundane, everyday praxes over time may count as well. Also, we cannot assume that the *endogenous* processes of a state are sufficient to explain state transformation, because there are many *exogenous* causal factors as well. So how did the changes (a) and (b) come about? If we maintain our focus on endogenous factors within the nation-state, then the improved *environmental regulations* appear to have been brought about by gradual accommodation and co-opting of the environmental movements,⁶⁹⁵ while *first parliament for the Sámi* was the result of a policy process led by the Sámi Rights Commission. However, if we also include *exogenous* processes as well, then it is clear that constitutional change at state level co-evolved with constitutional changes in international law, and the persistent maintenance of local longstanding customs. This ongoing constitutional process at multiple levels involved the ratification of several treaties of relevance to the sustainable management of natural and cultural heritage in Sápmi: the ICCPR/ICESCR, the NASCO, the ILO169, the UN Biodiversity Convention, and so on. The Alta-dam conflict *had generated organizational ties, resources and framings*, which would transpire to be empowering in the *long run*. Organizations from areas where Sápmi and Norway overlap would continue to *twin networks* with other groups from all around Sápmi, but also from

⁶⁹⁵ Dryzek, Downes, Hunold, Schlosberg & Hernes 2003

other indigenous homelands all over the globe. By globalising the resistance, indigenous people would bypass the states, and eventually *upscale* to UN level. That the Alta-dam controversy had the long-term effect that it had, was because it allowed the emerging movements to empower their resources and frames. On the international scene, the Sámi organizations succeeded in being recognized amongst other Indigenous rights organizations. The emerging transnational movement succeeded in influencing the policy process at the UN level. It was declared that indigenous people have the right to freedom from exploitation and freedom from colonization, under the human rights covenants ICCPR and ICESCR. Back home in Sápmi, the four states had already ratified this convention. With the new norms on indigenous rights, the ICCPR and the ICESCR now implied that the states would have to de-criminalize some of the longstanding customs that they had tried to criminalize in the shared cultural region. This recognition from the UN, as well as the later reports from the Sámi Rights Commission, would *disclose the de facto legal pluralism* in Sápmi, in spite of the unity of jurisprudence having been *de jure* restored by the Norwegian Supreme Court in 1982 and 1983. There had been a continuous maintenance and development of ancient customs and traditional knowledge, regardless of state laws. The movements were *acting locally and thinking globally*. State transformation was shaped by the joint impact of new international norms, and the persistent maintenance of longstanding local customs.

Explaining new international norms: Before I turn to the local action: How may the global action be explained? Firstly, it may be essential to note that some issue areas tend to transcend the boundaries of specific states. This is particularly the case for environmental protection and indigenous rights.⁶⁹⁶ Natural and cultural heritage are examples of common global heritage, located in particular ecological and cultural regions, and those geographies are seldom contained by arbitrary state borders. The “national interests” of states are particularistic, and may often divide particular ecological or cultural regions. This is indeed the case for Sápmi, and for some of its natural resources systems. The research on water resources management indicates that there is a co-evolution between inter-governmental institutions and transnational social movement coalitions.⁶⁹⁷ Similarly, the recent developments of human rights law have also been informed by a wide network of participants, including movements for social justice.⁶⁹⁸ The specific involvement of Sámi organizations has been addressed by Henry Minde, an observant participant in the international policy process.⁶⁹⁹ Tracing this policy process has been beyond my capacity, but it would certainly be interesting to do so. My expectation is that we would find more of the same mechanisms as in

⁶⁹⁶ Falk 2014

⁶⁹⁷ Conca 2005

⁶⁹⁸ Riles 2001

⁶⁹⁹ See Minde 1980, 1984, 1993, 1996, 2001, 2007, 2003a, 2003b, 2005b. (Thanks to Henry Minde for sharing copies of his articles.) See also Anaya 2004, as well as Minde, Eide & Åhrén 2007.

the Alta-dam case: the twinning of issue networks, and the broadening of the scope of action. Thus we can expect to find particular groups that do things together, and thereby grow new organizational networks, and re-define common issues. I also think it would be hard to make sense of the OCCPR/ICESCR or NASCO without paying attention to particular ecological and sociological systems in sub-state and trans-boundary regions. If we include those conditions in the picture, and do *not* see legal and political change in *isolation* from the ecological and sociological context, *then* I think one may easily see ICCPR/ICESCR and NASCO as an effort among political entrepreneurs to *come to terms with the actually existing ecological and sociological pluralism*. Conservation of nature, and protection against colonization, are not about constituting something new, but about sustainable development of *a socio-ecological order that has already been constituted*, by nature and culture, but not by the state.

Explaining persistent local customs: During the Alta-dam conflict, the local sheriff (*lensmann*) was hesitant to intervene against civil disobedience, and after their arrest, the local court would free the activists, with the argument that they acted in self-defence. This is interesting from the perspective of the sociology and anthropology of law. The Norwegian Supreme Court decisions in 1982 and 1983 were clear that organizing civil disobedience had constituted sedition and consequently, that it had been right to use the police force against peaceful demonstrators. The Supreme Court restored the *de jure* unity of jurisprudence, but the local court and local police had been embedded in a situation that we would later get to know as *de facto* legal pluralism. After the reports from the Sámi Rights Commission, and after the UN Declaration on Indigenous Peoples, it is not at all clear how the legal historian or legal sociologist should interpret the Alta-dam conflict. This issue requires caution and care. I have argued that the emerging international norms, such as the ICESCR and NASCO are best understood as a way for state builders to try to come to terms with the undeniable ecological and sociological pluralism, for example in trans-boundary regions, such as Sápmi. During the aftermath of the Alta-dam conflict, Norwegian state builders not only had to interact with Sámi organizations in the UN, but in local areas where Sápmi and Norway overlap, they also had to interact with the fact that longstanding customs and traditional knowledge had been continuously maintained and developed, regardless of whether these had been codified, criminalized, or simply ignored by the states. In Chapter 11, I will provide some ethnographic samples demonstrating the ambiguity of *de facto* legal pluralism, and I will discuss whether those samples should be interpreted as “social resistance” or “social defence”.⁷⁰⁰ Many persons in the local community may have perceived that the local court in Alta was correct when it adjudged that those activists engaged in civil disobedience had acted in self-defence, even if the Norwegian

⁷⁰⁰ See Scott (1985) and Sharp (1990) for definitions of each of those two terms.

Supreme Court contested this view. At that time of the Alta-dam conflict, indigenous people did not yet enjoy the protection in international law that they do after that struggle. Today, the Supreme Court of the state would not have been supreme anymore, because, under the present human rights regime, citizens could probably have tested the decision for the European Court of Human Rights, and even the UN Human Rights Council.⁷⁰¹ Collective human rights, including the right to freedom from colonial subjugation, imply an attempt to sort out the relationship between state law and longstanding customs for indigenous people. No such attempt had yet been undertaken in 1982, but this does not mean that the state was the only actual source of norms in its territory; instead it means that there was an unresolved conflict between state law and suppressed longstanding customs in areas where Sápmi and Norway overlap. One most spectacular symptoms of that tension came as an immediate reaction when the state's Supreme Court restored the political hegemony of the ruling coalition: this was when Niilas Somby and his independent action group attempted sabotage against a bridge. There is deep disagreement on whether this action was strategically intelligent, or ethically acceptable. Somby himself argues that he acted in defence of longstanding customary laws against an intrusive colonial state.⁷⁰² One way of interpreting it is as a potential challenge to the *hegemony of coercive force*. This shall be discussed, but I will reserve it for the discussion of competing explanations in Chapter 12. Another, complimentary, way of interpreting it, is as a particular way to defend the *de facto* legal pluralism, a *politically non-hegemonic* way of defining the actual *socially hegemonic* normative order. I would be biased if I said that Somby did the right thing, but I would also be biased if I said that he did the wrong thing. For this reason I note that this is an issue that deserves caution and care. Further, there were many other repertoires of social resistance or social defence that were much more widespread, and much less controversial among the Sámi themselves. *Firstly*, local subalterns engaged in everyday acts of non-cooperation. Behaviour that appears as “conflict avoidance” in Sámi communities, especially along the coast, has been rephrased in James Scott's term “everyday forms of peasant resistance”.⁷⁰³ This may be classified as a form of non-violent direct action. *Secondly*, the major interest organization NSR declared a diplomatic boycott of the state, refusing dialogue on unequal terms. Thus, it brought the tactic of non-cooperation from everyday resistance to the public sphere. This may function as non-violent direct action or as symbolic action. *Thirdly*, the minor interest organization SLF channelled its grievances through the democratic-centralist system of the Norwegian Labor Party. Thus, it brought to state politics the

⁷⁰¹ *During the Alta-dam conflict*, there was a failed attempt buy the anti-dam block to complain before the European Court of Human Rights (an institution within the Council of Europe, not the EU). The court rejected to consider the Alta-case, but *nevertheless* it noted that the article 8 in the European Convention on Human Rights was relevant for Sámi land rights (Scheinin 2000: §3.2). Regarding the possibilities under the *contemporary human rights regime*, for citizens to complain about its state's human rights breaches, see part 8.6.1, in particular the footnote regarding the right to appeal.

⁷⁰² Larsen & Kalvemo 2010; interview with Niilas Somby

⁷⁰³ Bjerkli 2000; Bjerkli 2010; Scott 1995

ambiguity of apparent conflict avoidance and covert everyday resistance. This is mainly symbolic action, because it aims at achieving better living conditions by mediation through party and state politics. *Those three* may not be a complete categorization, but they all describe *normal* action repertoires among the Sámi people, unlike the *exceptional* repertoire chosen by Somby. The SLF path may have been sensitive to the actual presence of the coercive apparatus of the state, and the need not to attract even more suppression. The NSR path was sensitive to the actual legal pluralism, especially in Inner Sápmi, and the need to maintain and develop longstanding customs and traditional knowledge while upscaling the political struggle on the international scene. Both paths resisted colonial guardianship under the state: the SLF sought to civilize the state apparatus; the NSR focused on social defence against colonization.

Explaining the interaction between local and global: It is important to note that longstanding customs, like international norms, represent so-called “soft law”.⁷⁰⁴ They may or may not be backed up by the “hard law” of states, but in either case, they are maintained in mundane everyday practice. Only *after* the Supreme Court judgments in 1982 and 1983 it was documented that longstanding customs have been continuously maintained and developed in some areas where Sápmi and Norway overlap, regardless of whatever status those customs might have had in state law.⁷⁰⁵ This is how it can be possible that in Sápmi there are clear-cut *sovereignties* (meaning monopolies of violence) but complex *jurisdictions* (meaning sources of law). The hegemonic social power *is not a function* of the hegemonic coercive force. During the Alta-dam conflict, agonistic issue nets competed for the social capacity to define the hegemonic social power. That implied consequences for law-making, and thus also for how the coercive apparatuses of the states were to be used. However, that is an indirect causal relation. Their hegemony of coercive power never became an object of violent conflict. Apart from the three documented anomalies (the *Borgervernet* action group, the attempt to mobilize the army, and the attempt to sabotage a bridge), the Alta-dam conflict remained a *social* struggle for the *social* power to define the agenda. For the dominant faction within the judiciary of the state, the “unity of jurisprudence” was the ruling doctrine, implying that the state was the only source of law in its territory. However, for the emerging faction within the judiciary of the state, “legal pluralism” was the preferred understanding. The view of the emerging faction was expressed when the local court in Alta freed non-violent activists engaged in civil disobedience, arguing that they had acted in self-defence. However, the view of the dominant faction would restore its hegemony when the local and regional courts were overruled by the Norwegian Supreme Court’s decision. This was before there was any possibility to appeal the

⁷⁰⁴ Christensen 2006: 37-8

⁷⁰⁵ Norwegian Official Report 1997a (NOU 1997:4); 1997b (NOU 1997:5); Norwegian Official Report 2007a (NOU 2007:13); 2007b (NOU 2007:14)

Supreme Court decision before any international human rights court. Thomas Mathiesen, a sociologist of law, argued that it had been a bad strategy when the anti-dam coalition gave so much emphasis to the court process.⁷⁰⁶ I have argued that the Supreme Court amplified the claimed centralization of the political system, but at the cost of weakened social legitimacy. By restoring the *de jure* unity of jurisprudence, it amplified the actual tensions within the *de facto* legal pluralism. This tension would be played out by thinking globally, acting locally. Local communities would be persistent in their continuous maintenance and development of longstanding customs and traditional knowledge, regardless of whether the latter were codified, criminalized, or simply ignored by the state. Global institutions would enact new international norms for environmental protection and indigenous rights, under the influence of transnational social movement coalitions. The states in Sápmi would be transformed as a result of international norms becoming better fitted to the actual ecological and sociological complexity in trans-boundary regions, such as Sápmi.

7.4.5 Constituted order done and redone

I have traced how the course of social conflict *transformed* the stage on which the conflict was played out, the cleavage structure or the socio-material terrain. I traced how the two coalitions *upscaled* their actions from a local level, by *twinning networks* (act 1); how they became two agonistic *historical blocs* within a contentious constitutional process (act 2); and finally, how the dominant bloc *confirmed* and *amplified* national hegemony (act 3), while the opposition took the struggle to a *global scale* (epilogue). Thus I traced the *dynamics of contention* in the Alta-dam conflict. However, unlike Tilly, Tarrow and McAdam,⁷⁰⁷ I trace the interplay between *constituent praxes* and *constituted order*, not the interplay between “insiders” and “outsiders” as those might be defined according to an already constituted political system. Thus, I traced some of the actual ties and transactions that criss-cross the conceptual division between issue networks (civil society) and policy networks (state society).

Empirically-based social movement theory can be used to explain the particular micro-mechanisms in this process whereby particular *issue networks broaden their scope of action*, through joint action, building new organizational ties, and developing new shared understandings. Here I have described such processes as *network twinning*, with a term taken from Della Porta and Piazza, and equivalent terms have been suggested by Staggenborg.⁷⁰⁸ Alternatively, we could have chosen the SES framework, to explain such collective action in terms of rational choice. We could

⁷⁰⁶ Mathiesen 1992 (1984)

⁷⁰⁷ Tilly, Tarrow & McAdam: 2001

⁷⁰⁸ Della Porta & Piazza 2008; Staggenborg 2002

also have used the ANT approach to trace the particular communicative praxes in network twinning. Which conceptual toolbox we choose may not matter. They all refer to similar practical realities. The mechanisms of *how collective action emerges* are well researched. This is the micro-meso link.

Table 7-4: *The dynamics of contention across three acts in the Alta-dam conflict*

	<i>Pro-dam coalition</i>	<i>Anti-dam coalition</i>
Act 1	Central nodes in policy net had adopted the pro-dam cause from local (subaltern) nodes in issue-net, and initiated a secret planning without consulting stake holders	Secret state pro-dam action from the state provoked the formation of anti-dam issue nets in local (subaltern) nodes
Act 2	Competition provokes resistance from within the ruling historical bloc, some see challenges to hegemonic coercion	Scaled-out issue net becomes an oppositional historical bloc, pushing for hegemonic definitional power
Act 3	Ruling historical bloc restores <i>de jure</i> unity of jurisprudence, amplifying tensions within <i>de facto</i> legal pluralism	Opposition dispersed, multi-level constitutional process continues. Local longstanding customs are maintained, transnational movements work on international law.

However, the particular mechanisms at the micro-meso level may not say much about the dynamics of larger coalitions, clusters, formations, or systems. Through network twinning, the issue networks are *scaling up and out*. There is not only a micro-meso link, but also a meso-macro link. Processes on the larger scale are more difficult to map or trace. At the scale of face-to-face interaction we may observe actions directly. On any larger scale, we deal with *structural patterns* that cannot be observed directly. Still, their practical consequences are real enough. Here, I have addressed the micro-meso-macro by using a blend of constitutional theory and social movement theory. Thus I follow Ugo Mattei, an expert on social movements and constitutional change regarding management of natural commons.⁷⁰⁹ But I have not approached the constitutional process merely in terms of discursive deliberation about norms. Instead, I have tried to observe how such discursive practices are articulated through issue nets in particular environments, including both ecological and sociological conditions. This has been a materialist approach, but not one that is solely interested in economic exploitation or coercive command. On the contrary, I have taken an interest in the social and ecological embeddedness of resource mobilization and longstanding customs, of strategical framing and traditional knowledge.

Strategical framing and *traditional knowledge* have a socio-material dimension. ANT can be used to trace socio-material links and concrete, localized practices, one feeding into the other, in long chains across the concrete terrain (micro-meso). Chains of concrete, localized practices make, maintain, and transform configurations of networks and nodes, facilitating the flow of information across discrete locations in concrete terrains. Such networks and nodes constitute more or less centralized and more or less territorial arrangements (meso-macro). Those arrangements always

⁷⁰⁹ Mattei 2011; Bailey & Mattei 2012

remain more or less unfinished, but they may function well enough for pragmatic purposes. Those more or less centralized and territorial arrangements are what we know as virtual “scales” in political geography. The ANT perspective zooms in on *social communication* and traces how it works as a pathway of constituent praxes and constituted order.

Resource mobilization and *longstanding customs* have a socio-material dimension as well. SES can be used to explain how alternative practices are *scaling up and out*, to constitute pockets of alternative socio-technical or normative systems. Ostrom and McGinnis usually address macro formations in a generalizing, statistical way, as “levels of aggregation”. However, whenever they try to trace particular causal links, or identify general explanatory mechanisms, they observe how social choice in one action situation may determine the norms that regulate social choice in another action situation. The concept “network of adjacent action situations” has been suggested by McGinnis, as a preliminary tool to describe the micro-sociological mechanisms that make and maintain macro-sociological formations. The SES perspective zooms in on *economic norms*, and maps how those seem to operate in concrete socio-economic choices as well as in virtual socio-economic structures.

In my opinion, SES and ANT can be used as complimentary resources, to focus on different issues of interest for empirically informed social movement theory. SES deals mainly with resource mobilization, from a neo-institutionalist and social-ecological viewpoint. ANT zooms in on framing strategies, from the viewpoint of material semiotics. In the analysis above, I have used both SES and ANT to describe both resource mobilization and framing strategies, in a joint process whereby twinning of issue nets takes place. However, I have drawn on SES and ANT to address the meso-macro link in two different ways. Sometimes I talked about nodes of social power, which were made, maintained and transformed within issue nets and policy nets. One example is the physical location of planning offices in the capital city; another is the way whereby the river facilitated a community of fate between dispersed local communities. This was an ANT view. On some other occasions, I talked about the aggregate effects of many small actions. Examples include the mass media effect of the anti-dam actions, and the persistent maintenance of local longstanding knowledge and traditional knowledge. This was an SES view. Those are complimentary. The SES model empowers the social movement researcher to suggest *panoramas over structural patterns*, with probabilistic explanations. The ANT approach enables to *zoom in some of the particular ties* that constitute a macro order. Both can be applied to trace the emergence of social movements as constituent power, or the maintenance of the already constituted power of some other social movements. In either case, we constantly cross the conceptual distinction between issue nets and policy nets, or between insiders and outsiders of the already constituted system. This is because the focus turns to how systems transform, in interaction with social movements.

In my view, it has proven fruitful to supplement empirically informed social movement theory with conceptual resources from SES and ANT, in order to go beyond the micro-meso link, and also study the meso-macro link. This appears to me as being a fruitful way to study the constituent (and constituted) power of social movements.

7.5.0 Negative and positive findings in Case I

7.5.1 Negative findings: some possible errors in the Alta-dam case

What remains unknown in the historiography about the Alta-dam conflict? How is the relationship between the issues that remain under-researched and the issues that are politically contested in the public memory? When I drafted this case study back in 2010, my knowledge was too scarce to discuss the selection of data within the “canonical” historical narrative. During my fourth field trip to Deatnu River, in the summer of 2012, I also travelled via the Alta River, to the indigenous rights festival *Riddu Riđđu*. Contact with local oral history and local historical archives gave me the competence to assess *some of* the issues that have been ignored by the research, as well as *some of* the political implications of this ignorance.

a) Ever since the Alta-dam struggle, the former allies in the anti-dam coalition have disagreed on the relative impact of *Folkeaksjonen* and *Sameaksjonen*, the environmentalist movement and the indigenous rights movement. At the end of Case 1, primary sources charting this contention were reviewed: oral history from the *Riddu Riđđu* festival in 2012, and newspaper clips from the Tromsø (Romsa, Tromssa) City Archive.

b) The *national* history of Norway is the *geographical framing* chosen in the “canonical narrative” from Dalland through Hjorthol. That may be justified as far as the Explanandum is state transformation in one particular political entity. However, few attempts have been undertaken to trace any impact of causal processes that appear exogenous, relative to the state as an analytical boundary. The interactions between the Alta conflict and other Sámi rights conflicts remain under-researched. During archival research, I also found some documents indicating that the two coalitions induced wide transnational networks. To ignore such causes is symptomatic of Norwegian methodological nationalism.

c) Finally, the accumulated historiographical research has looked away from the fact that there is no clear consensus on what coercive force, if any, has social legitimacy among the local population in the Alta river valley. The historians have *taken for granted* that, already before this

conflict took place, the state had consolidated its authority in those parts of inner Sápmi where it claimed jurisdiction. However, my field observations, discussed at the end of Case I above, indicate that this cannot be taken for granted, but is rather an *empirical question*, particularly in the upstream areas. To ignore such anthropological conditions is methodological statism.

The existing historical research on the Alta dam conflict is limited by methodological nationalism and statism. These are the same type of limitations that Bauböck has identified in much research on European “minorities”.⁷¹⁰ I find it worrying when the same biases are found in the research on the Alta-dam conflict, especially because other historians have found proof that the same areas have been *explicitly* administered as “Colonie” during certain periods.⁷¹¹ Therefore, it is no bold interpretation to conclude that our collective lack of knowledge regarding certain issues in the Alta-dam conflict does constitute a *residual colonial bias*.

Of the three issues mentioned, I consider the latter to be of crucial public importance, and therefore I choose to address this question in the theoretical discussion at the end of this thesis (in Chapter 12.0.0).

Suggestions for further research regarding the Alta-dam conflict: From what was discussed above, it follows that there is a need for further empirical research on the following issues regarding this historical case:

a) Further investigating the impact of *Sameaksjonen*, and other indigenous rights NGOs, relative to the impact of *Folkeaksjonen* and the environmental NGOs

b) Broadening the geographical scope of historical knowledge of the Alta-dam conflict by tracing the causes and effects that are exogenous to the nation-state, firstly by tracing the particular transnational links and alliances of the actors involved (for example communication with other NGOs or other governments), secondly, by tracing the interactions with related struggles in other places in Sápmi and Norden (for example the Taxed Mountain Case in Swedish Sápmi).

c) *Deepening* the sociological density of historical knowledge on the Alta-dam conflict, by further investigating and by combining the political history of this eventful protest with the anthropological history of legal pluralism and everyday resistance in the watershed. Thus we could gain a “thicker” description of how the formation was grounded in local social basis, local subalterns, and local commons. While we already have some knowledge about the *history of events* in this case, we lack knowledge about the more *structural history, cultural, social and economic*, of the same case.

Research on those issues may not be sufficient to obtain a decolonized knowledge about the Alta-dam conflict. After all, we can expect that there will remain some minority-within-the-

⁷¹⁰ Bauböck 2008; see also Eriksen & Hoëm 1999

⁷¹¹ That is, at least in Finnmark County, and at least from the 1820s and for an undefined period, see: Pedersen 1999

minority, whose potential research interest is even more unknown. For example, it might be interesting to apply the concept of “internal colonialism” to map the situation for *subalterns* within the *pro-dam* camp: for example Coastal Sámi around the Alta Fjord, or syndicalist tile workers in Tverrdalen, who had migrated from Østerdalen in Southern Norway, where poor peasants had been exploited under capitalism.

7.5.2 Positive findings: “struggle to define the actual hegemony”, a possible meso-mechanism

In the basis of Case I, and in spite of the negative findings reviewed above, it is possible to suggest a possible mechanism, as a positive finding. Additionally, the case studies provided some empirical data that do not fit with a state-centred political theory. Now, I will first suggest a possible mechanism, and then bring the reader on the track of the non-state.

Struggle to define the actual hegemony: My study of Case 1 indicates that this historical event was a struggle for the *social power* to *define* what were the valid constitutional practices, and valid epistemological standards, within the existing state formation. Thus it was a struggle for the social hegemony to define how a political hegemony actually was.

Unlike the canonical historiographical literature on the topic, I did not assume that the conflict was one between the state and the people. That allowed me to trace the formation of two antagonistic political blocs that split the government, the judiciary, the population of the state, and even the regional community along the river itself. The pro-dam and anti-dam blocs both included broad coalitions of right-wing and left-wing movements, and both had a social basis among some local subaltern groups. The anti-dam bloc was stronger in upstream areas, where the ambiguity between state authority and Sámi customs was relatively outspoken. The pro-dam bloc was stronger in downstream and fjord areas, where poor fisher-peasants demanded economic development. In the short term, the struggle ended with consolidation of the pro-dam bloc, in the long term, it led to considerable gains for the anti-dam bloc.

Thus, Case 1 implies one short-term and one long-term impact on Explanans 2. Neither the short-term nor the long-term impact was revolutionary, if this term implies a military coup. Still, the state transformation included renewal of the written constitution. Conservation of biological diversity and respect for human rights would become part of paragraph 110 in the Norwegian constitution. Both would imply an obligation to respect the indigenous rights of the Sámi people, and this issue was also specifically mentioned in a specific amendment. Revision of the written constitution was one long-term effect of the Alta-dam conflict. However, I have also argued that the conflict affected constitutional norms of an informal kind, and that was both in the short and the

long run. I have argued that the Sámi Rights Commission disclosed the *de facto* presence of legal pluralism in areas where Sápmi and Norway overlap, regardless of whatever might have been the *de jure* opinion of the state. This appears to correspond to the interpretation held by a considerable faction of the state's own judiciary branch of power, already during the Alta-dam struggle. The struggle implied that the legal pluralists challenged the hegemony of legal statist, those who believed in the unity of jurisprudence. The conflict articulated the cleavage. The short-term outcome was a restoration of the old hegemony, but since the cleavage had been articulated, the restoration implied the suppression of the minor voice, and led to decreased social legitimacy for the restored hegemony. The long-term effect, after further rounds of contention, would be that the legal pluralists took over the hegemonic position within the state apparatus. Thus, the co-existence between the Norwegian state law and longstanding Sámi customs is no longer being denied, and thus, the actual co-existence has become less suppressive, but pluralism still includes tensions.

The impact of Explanans 1, social ecology, on Explanandum, state transformation, can be explained with two causal links, both of which are indicating mutual causality. One link of mutual causality goes directly from Explanans 1 to Explanandum (path i). Another link of mutual causality is indirect, because it passes via the confounding Explanans 2, the collectively unknown (paths ii and iii).

Table 7-5: A meso-mechanism observed in Case I

<i>Struggle to define present hegemony (meso-mechanism, sub-case 1)</i>
i. struggle to define actual hegemony in state (valid <i>constitutional norms</i> & valid <i>scientific praxes</i>)
ii. diverging practical realities of livelihoods up- or downstream (ecology, policy & jurisdiction)
iii. diverging scientific disciplines (technology and economy versus ecology and anthropology)

The main path can be characterized as a struggle for the power to define what were actually the valid constitutional norms of the existing state formation, and also, what should be certified as valid scientific praxes by the same state. The redefinition of the state was a transformation of the state. The struggle was traced as a struggle for the social power to define the actual social hegemony within the actual state hegemony. I traced how issue networks at the micro-meso level upscaled to wider formations, through processes of joint action. By working together, new organizational ties were generated. By deliberating common causes, the issues were re-defined. This process of “network twinning”, well known from some social movement research,⁷¹² was used to explain how issue networks broadened their scope of action, and constituted wider historical blocs.

⁷¹² Della Porta & Piazza 2008

However, in order to map the formations that emerged at meso-macro level, I mobilized resources from ANT and SES. Both were used to address both customary praxes and knowledge praxes. ANT proved useful to trace *particular* ties, nodes and clusters, within particular (and mutually entangled) issue nets and policy nets. SES was used to address general trends, structural patterns in the environment of the particular networks that are being traced. Thus, with a little help from our friends ANT and SES, the concept of “network twinning” is capable of explaining the entire process whereby locally based social movements may broaden to become issue networks with constituent power, becoming entangled with policy networks within the constituted order, and in the end appear as a virtual historical bloc, competing for the social capacity to redefine the social hegemony within a given political hegemony. This mechanism provides a partial explanation of how Explanandum is affected by Explanans 1 (i)

What were at stake, as mentioned, were not only the valid constitutional norms of the state, but also what the state should define as valid scientific praxes. In this conflict, different scientific disciplines were employed to serve different technical and political interests. Technology and economy were used to serve the ruling pro-dam coalition, while ecology and anthropology were mobilized into the rising anti-dam coalition. In 1982, the Norwegian Supreme Court judged that fishery biology would be irrelevant because the Ministry of Industry had assessed that the costs of such investigations would exceed the gains. Thus, the Supreme Court judged that the ecological facts were better off remaining unknown (ii).

The divergent knowledge about the reality held by the scientists of each bloc found resonance in the local practical realities of different local groups in different parts of the Alta water area. The emerging disciplines of ecology and anthropology investigated questions that resonated with the interests of upstream subsistence practitioners, local anglers along the whole river, prosperous reindeer owners and British “salmon lords” who used to angle in the river. However, most people in the downstream area, including poor tile workers and Coastal Sámi fisher-peasants, found more resonance in the prognosis from official economists and technologists, who warned about an imminent energy crisis. The split between scientific disciplines found resonance in a split between divergent practical realities among subsistence practitioners in different parts of the watershed (iii).

It should be observed that when issue networks are twinned, broaden their scope of action, get entangled with policy networks, and generate historical blocs, then this should *not only* be seen as empowering collective action on a large scale, *but also* as the formation of internal relations of domination and silencing. Each instance of network twinning implies that the organizational networks expand, but also that the political issues are re-defined. Such re-definition may be more or less beneficial for the common good of all participants. Some groups may find themselves relatively

marginalized by more dominant allies within a coalition. Such groups may potentially find more attractive alliances other places, even in the competing coalition. For example, SLF was created by Coastal Sámi who belonged to the pro-dam camp and the hegemonic political bloc. However, they still had a potential common cause with the competing Sámi interest organization within the anti-dam camp, NSR. When the Alta-dam conflict came to an end, the *epilogue* of the conflict would lead to alienation between issue nets for environmental protection and issue nets for indigenous human rights. However, at the same time, the alienation between SLF and NSR would decrease.

This has potential relevance for social movement theory. In my view, it suggests that the “master frame” concept is generally misleading, because this concept implies a general characteristic about the issues held by a wide issue net. The cost of generalization is a loss of specificity, and the “master frame” is a concept that may contribute to further silencing of the already relatively marginalized voices inside. Above, I have argued that constituent issue nets may very well be entangled with constituted policy nets. Now I have argued that in neither of those entangled networks are we likely to find any homogeneous culture, not even any homogeneous peripheral community or any homogeneous central government. The actual structure of constituent issue nets and constituted policy nets appears to be more fractal, similarly to the ethnic and cultural *pluralism* of many traditional kinship systems, such as that in Sápmi.

On the track of the non-state: My research on the Alta-dam conflict also brought me onto the track of the non-state in Sápmi: When the traditional political history of the anti-dam movement was supplemented with ethnographic sources regarding the social-ecological history of both the pro-dam and anti-dam blocs, then I started to get the impression that the state was not alone in its own territory. When I later engaged with my ethnographic research, I learned that local people in some parts of Sápmi still maintain and develop longstanding customs and traditional knowledge, regardless of whether those are codified, criminalized, or simply ignored by the states. The actual constituted order is much more than only state-sanctioned laws and state-certified science. It also includes informal customs and lore. However, in an indigenous homeland, the relationship between those different constituted orders is particularly interesting for state theory.

I came across the first traces of the non-state during my research on the Alta-dam conflict. The process was an *abductive* dialogue between the selection of data and revision of concepts. I had started out by seeing the constituted order as identical with the ideological state apparatus. However, that turned out to be a misleading conceptualization. I was brought on the track of the non-state when I tried to apply concepts from Deleuze and Guattari to describe how centralized and territorial power was confirmed and amplified, and that fitted well with their Marxian terms of state formation. However, their terminology no longer fit when I tried to describe the local social-

ecological conditions. The ethnographical sources I had used indicated that human ecologists had observed an already existing socio-ecological balance in the Alta watershed, and they argued that this was being threatened when infrastructure was planned without consulting stake holders, or documenting ecological conditions.⁷¹³ The local human ecology was portrayed as an already existing system in dynamic equilibrium, with its own customary norms regulating nature use. For me, this entails that Functionalist human ecologists had discovered some actual local conditions that would slip out of the gaze with Marxian hegemony theory.⁷¹⁴

Further traces of the non-state would be found when I proceeded to conduct ethnographic fieldwork on contemporary salmon fishery management in the Deatnu watershed. This will be presented in Chapter 11, the final part of Case II. There I will argue that, also in Coastal Sápmi, there are at least some areas where state law still has not replaced the more ancient normative order, which appears to have been continuously maintained and developed after the *siida* system. Therefore, a state system that was never fully consolidated appears to co-evolve with a *siida* system that never fully disappeared. Only at the end of Case II, will it be possible to suggest some mechanisms to explain this co-evolution.

⁷¹³ Bjørklund and Brantenborg 1981

⁷¹⁴ For Deleuze and Guattari 1988 (1980): Chpt. 12, all political order is hierarchical, while all absence of hierarchy is disorderly, the “nomadic war machine”. However, traditional reindeer nomadism is *no disorderly* practice, but on the contrary a *livelihood adaptation in dynamic equilibrium*; regulated by customs, adapted to the environment in bounded territories.

8.0.0 GEOGRAPHICAL BRIDGE: ALTA 1982 – DEATNU 2005

8.1.0 Chapter introduction

The present chapter returns to geography. More precisely, it engages with some of the particular causal processes within the large-scale historical-geographical process that was presented in the initial geographical overview (Chapter 5.0.0). The present chapter is intended to bridge between the two case studies: the Alta water area from 1968 until 1983 (case I), and the Deatnu water area from 2005 until 2012 (case II). The two cases deal with *two areas* that are different but adjacent, and *two periods* that are also different but adjacent. In order to trace some of the particular processual links between the two cases, a historical-geographical perspective is useful. Thus we can identify processual ties that link two spatially adjacent areas in two chronologically adjacent periods. This is not only a crafty way to link the two case studies, but it is also a way to trace how the two cases relate to the wider historical-geographical process of transformation, the one that was only generally outlined in the initial geographical overview.

The initial geographical overview zoomed out, to provide a panorama over the process of state transformation in the High North (Chapter 5.0.0). It was based on an interpretation of aggregate data, providing a general overview with a low degree of specificity. It gave a panorama in low resolution. The present chapter will zoom in, by tracing some of the particular causal chains at a micro-sociological level. Thus, we will gain increased specificity, but will lose generality. It will give a close up picture in high resolution. It will be based on a variety of data sources.

Some of the *constituent praxes*, the micro-meso links, will be traced on the basis of historical and ethnographic data that were gathered for the two case studies. These data will be used to trace some particular praxis networks that unfolded through particular landscapes at particular moments in time. I will trace some particular issue nets, but they are interwoven with kinship nets and policy nets in the environment. Thus, I might go beyond the usual limit of social movement research, but this wider focus on praxis networks is in line with ANT or SES. I will show the reader (constituent) issue nets that are entangled with (constituted) kinship nets and (constituted) policy nets; this also slightly unsettles Paul Routledge's Marxian concept "terrains of hegemony and resistance". Indeed I will trace contentious practices that are being played out in concrete terrains. However, this theatre lacks a clearly polarized dramaturgical structure. The actual dynamic of contention observed in the historical bridge does not appear to be dialectical, but is rather complex

and ambiguous. This is what will be found when I zoom in to trace some selected causal pathways, with a high degree of specification, the close-up picture with high resolution. This is analyzed in the chapter conclusion.

Some aspects of the *constituted order*, or meso-macro formations, will be sketched by using policy documents and secondary sources. Those sources will be approached in line with “comparative politics” in conventional political science. I will compare how some of the issues of the new social movements were accommodated and coopted in the form of clearly separated administrative areas, namely: environmental protection policies and indigenous rights policies. I will include data about the two states that are directly involved in the two selected watersheds, namely: Norway and Finland. (Sweden and Russia control other parts of Sápmi, outside the Alta and Deatnu watersheds.) Accommodation of social movements, as well as comparisons across states, are topics that were typical of the early work of Rokkan.⁷¹⁵ But the issue of cooptation has more recently come into focus.⁷¹⁶ Finally, I will discuss if regionalization and europeanization have opened up a new terrain for *district politics* across state boundaries. District politics is a core topic in Nordic political practice. It may be a process of accommodation and cooptation with regard to the centre-periphery cleavage. This final discussion of the chapter is inspired by the later, geopolitical work of Rokkan.⁷¹⁷ Whenever I follow the example of Rokkan's late or early work, this latter part of the chapter again zooms out to sketch a panorama in low resolution. This part is mainly descriptive, providing background for Case II.

Both parts of the chapter are roughly structured according to the conceptual divisions in Elinor Ostrom's SES framework. However, this was not a choice that was given beforehand. The process of writing was in itself an abductive process, where data input led me to the revision of coding categories. Through this dialogue between data and concepts, the SES framework gradually emerged as a useful source of explanatory hypotheses. As also in the geographical introduction, I define Explanandum and Explanans 1 in terms of SES: Explanandum is *formal norms* in the actual governance system within a social-ecological system. Explanans 1 is the environment of the formal norms, that is, the rest of the social-ecological system. Thus it consists of the *informal norms* in the actual governance system, but also the resource system. Explanans 1 can therefore be divided into resource geography and cultural geography (both aspects of the landscape geography).

The chapter conclusion ends with an analysis of the micro-meso links that are observed in the chapter. Thus, I suggest one more hypothetical explanatory mechanism at the end of this chapter.

⁷¹⁵ See Rokkan 1970

⁷¹⁶ Dryzek et.al. 2003; Bregnballe 2005; Johansson 1990

⁷¹⁷ See Rokkan & Flora 1999

8.2.0 Micro-political relations: constituent praxes

The two case studies deal with two different localities: the Alta and Deatnu water systems. However, the two studies also deal with two different temporalities, with historical data from the Alta water system, and ethnographic data from the Detanu water system. The historical case study from the Alta River described a political conflict over hydropower development, which was instrumental to bringing about the institutionalization of policies for environmental protection and indigenous rights. Thus, this conflict is known as a historically significant event. The ethnographic case study from the Deatnu River will demonstrate contemporary contentions over the implementation of such policies in a water system that is located at the border between two state territories, but also in the heartland of Sápmi, the indigenous homeland. Thus, this case has been selected for its geographical significance. Local vulnerable ecosystems and local indigenous livelihoods had been administratively split by the political geography of the nation-states, and thus, the implementation of policies for environmental protection and indigenous rights produces a new political geography. Such a situation is not unique for our selected cases, but is typical of the interactions between states on the one hand, and indigenous and environmental movements on the other.⁷¹⁸ Thus, the impact of such movements frequently involves not only *policy implementation*, but also *polity transformation*. That is also the case for the particular regional reforms that are exemplified with our two selected case studies.

The two cases exemplify some historical process and some geographical extension in the transformation of political geography in the sub-arctic fringe of the Nordic countries, an area with a particularly rich but vulnerable natural and cultural heritage.

Thus, the two cases show a rather complex relation between *temporal* and *spatial* dimensions. They show micro-political action in particular *processes* and particular *locations*, which interact with the macro-political *emergence of formations* with some particular *geographical extension* and some particular *historical durability*. Thus, ideographic studies of two particular micro-political cases have been selected to trace some particular interactions with some particular macro-political transformations.

We will trace some particular networks at the microsociological level, whereby the historical Alta-dam case is connected to the ethnographic Deatnu water system case. We trace a network of particular microsociological processes that link concrete praxes in one watershed at one period of time, with praxes in another watershed at another period of time. Along the way, we will not only trace how those networks of processes connect those two particular times and places. Additionally,

⁷¹⁸ Falk 2012

we will also trace how they connect localized praxes within those watersheds to other praxes that are localized within economic centers of accumulation, bureaucratic centers of command-and-control, and scientific “centers of calculation”. This, according to Bruno Latour, is a way in which the making and maintenance of geographical scales can be traced. Or, in the terminology of McGinnis and Ostrom, we trace praxes at various “levels of accumulation” within an actual “polycentric political system” with actual “overlapping jurisdictions”.

8.3.0 Networks of resource units and resource systems: resource geography

8.3.1 Physical resource geography

During the Alta-dam contention, the Deatnu River was involved at an early stage. Because of the physical proximity between the two rivers, the engineers had included the lake Iešjárvi in their over-ambitious first plan.⁷¹⁹ This lake is a main tributary to the Deatnu River, via the Karašjohka River. Thus, the initial plan not only implied that the Sámi village Máze would be put under water, but additionally, that the water course of the great border river Deatnu would be heavily disturbed. Damming of the border river was unacceptable for the Finnish state, and caused a diplomatic protest. That added force to the resistance that had emerged via the local protests in Máze. With protests from both local and diplomatic levels, the Norwegian government decided to scale down the initial ambitions. Neither Iešjárvi nor Máze would be touched. In the context of the Deatnu water area, the threat to dam Iešjárvi had been one of many chapters in the long history of contentious deliberation about the management of shared resources in a shared river. The present contention about fishery regulations in Deatnu is the present chapter in this history.

The network: The protests at local and diplomatic level implied that the information passed through quite different socio-material networks, operating at quite different scales of accumulation. First, the most important link is the short physical distance between the two river networks, and also the potential energy that would be released by establishing an extra link from Iešjárvi Lake down to Alta River. The protests were triggered by the actual dependencies that existed in physical-biological-human relations. In Máze, the livelihood was threatened by the possibility that the whole village would be put under water. For anglers in Finland, destruction of the main salmon river under Finnish jurisdiction would be a heavy loss, and thus, this immediately became an issue of national

⁷¹⁹ Hjorthol 2006

concern for the Finnish government. Protests in Máze took place locally, during a visit from the government, when representatives from a particular centre of command-and-control were brought into a particular locality where stake holders resided. Diplomatic protest was mediated throughout the cybernetic system of the Finnish nation-state, and was expressed through the embassy located in Oslo, the Norwegian capital city.

8.3.2 Biogeographical resource geography

During the Alta-dam contention, sustainable management of the local salmon stocks was one of the issues at stake. This is also the main issue in contemporary controversies on bioregional management in the Deatnu River. But the political coalitions differ between those two periods and areas. In the Alta-conflict, salmon biologists and Sámi activists were aligned with the oppositional anti-dam bloc. Their views were rejected by the hegemonic pro-dam bloc. The state engineers had initially employed a young salmon biologist to map potential impacts on the salmon stock, but when his report was overlooked by the policy-makers, he was angered and joined the anti-dam movement.⁷²⁰ The anti-dam movement had regular correspondence with a wide network of environmental organizations around the globe.⁷²¹ This included a renowned salmon biologist from Scotland, who was summoned as a witness in the final Supreme Court trial. The Supreme Court decision from 1982 presented arguments from witnesses on both sides. The representative for the Ministry of Industry argued that any assessment of biological impact would demand an immense data-gathering task for field biologists. Thus, the cost of mapping such data would be much higher than their utility, the Ministry argued.⁷²² At this time, ecology was a new discipline, and ecological monitoring systems had not been established. More than two decades later, in 2006, the directorate that was responsible for the damming of Alta river published a handbook whose title gives a summary of its content: “Ecological Conditions in Waterways: consequences of changes in the flow of water, a collection of current knowledge”.⁷²³ This is a popularization of the knowledge now held by the directorate on the ecological issues that were controversial back in 1982. In the meantime, ecological monitoring systems have been established, and environmental impact assessments have become standard in the planning process. Thus, in contemporary contentions on bioregional management of Deatnu River, the fishery biologists, and their “epistemic community”, have

⁷²⁰ Hjorthol 2006

⁷²¹ The National Archives of Norway: archive box “Folkeaksjonen mot utbygging av Alta-Kautokeinovassdraget, Oslo-avdelingen 1977-1983” (RA-P-0868 PA 868)

⁷²² Norwegian Supreme Court 1982

⁷²³ Saltveit 2006

become accommodated, within the Directorate for Nature Management. At the same time, the Sámi rights movement has been accommodated in the three state-certified Sámi Parliaments. During the Alta-dam struggle, sports anglers and indigenous rights activists were allied; in the present controversies concerning the Deatnu River they are adversaries. During my fieldwork along the Deatnu River and in other related sites, I met with legal anthropologists and salmon biologists with close ties to those institutions. From my fieldwork, I have the impression that it is commonly held knowledge in “the field” that these two institutions have different stances *vis-a-vis* fundamental issues: Regarding the *question of what biodiversity protection actually entails*, one camp tends to see this as nature conservation, another as sustainable usage. Regarding the *question of what the relevant norms actually are*, one camp seems to subscribe only to individual and state rights, while the other camp additionally also adheres to collective human rights, including indigenous rights. However, when those state institutions take diverging stances to certain issues, then this can be seen as local hegemonies within two administratively separated policy areas. The official stances of those state institutions conceal the actual plurality of stances and the actual unfinished debates within the fields of environmental protection and indigenous rights. In fact, those two issues have actually been *integrated* in several treaties and laws.⁷²⁴ Those treaties and laws may also be made relevant for the interpretation of the more specialized treaties and laws.⁷²⁵ Therefore, what have been administratively separated as different policy areas could equally well be interpreted as two sides of the same coin: *sustainable management of the world's natural and cultural heritage*. Such an integrated policy is exemplified by a recent set of guidelines for biodiversity protection in Sámi territories, enacted by the Sámi Parliament of Norway.⁷²⁶

Micropolitical links: The structural changes described above may be exemplified with selected samples of particular praxis nets that link the cases two cases, at the level of tangible sensual experience and concrete inter-personal relations. One such sample is Master of Science thesis that I learned to know at the municipal library in Tana Bru. Kjell Moen was a salmon biologist who undertook his Master of Science on the salmon of the Alta River during the controversy.⁷²⁷ Thus, his research was of direct relevance for the controversy at the time. Through the observational methods of the field biologist, he studied the web of nutrition in the river. In popular terms, the question was how many young salmon the ducks of the river were eating. This is an issue of relevance for human fishers, who are a competing predator species.

In 2010 the archive of Kjell Moen could be found at the public library in Deatnu (Tana)

⁷²⁴ See also the UN Agenda 21 (1992a), the UN Biodiversity Convention (UN 1992b), and finally, the Norwegian Biodiversity Act: Norwegian Parliament 2009

⁷²⁵ The North Atlantic wild salmon conservation convention (NASCO 1984), the EU Water Framework Directive (EU Parliament 2000)

⁷²⁶ Sámediggi Norway 2005 (thanks to Gro Ween for sharing the document)

⁷²⁷ Moen 1983

Municipality. After he had finished his master's thesis, he continued his career as an expert employed by the County Governor. His office had been in the town of Vadsø, a day's travel to the east of Deatnu River. However, as a passionate field biologist, he had been well known by the local population along Deatnu River. He had travelled up and down the river to do observations on salmon biotopes and fishermen's techniques. Thus, this field biologist had established a special connection to this socio-ecosystem. Therefore, when he died, his wife chose to donate his personal archive to the local population. He had left an unfinished book about salmon and salmon fisheries on the Deatnu River. This manuscript I had the opportunity to read in 2011, during one of my visits to the local salmon biologist Kjell Magne Johnsen, then an employee at the local cooperative for traditional salmon fisheries (LBT). He expressed nostalgia for the good old times when the experts from the County Governor still prioritized field biological observations. After Moen, they spent more time doing office work, and less time on field biology. One year later, I met the biologist again when I was on a fishing trip in the forest. We were both on fieldwork. The local biologist found time to do field biology in between his office tasks. His hiking and angling gear are stored together with the accountant's folders and copy machine. With my two selected specimen of field biologists, there appears to be a correlation between prioritizing fieldwork and being close to the local social field. Johnsen is a native, but Moen was not. However, in his archive, I found much literature on sustainable development from the 1990s, with an emphasis on Local Agenda 21 and active popular participation.⁷²⁸

This is the kind of attitude that the local indigenous rights activists miss when they deal with contemporary state agencies for environmental management. The activists have found support in the Sámi Parliament, which emphasises that the active participation of local and indigenous peoples is demanded by the UN Convention on Biological Diversity.⁷²⁹ Not only does the Directorate of Nature Management allow little time for field biological observation in the Deatnu River, but it also allows little room for biologists participating in the local community, and even less for local people actively participating in the policy process. Local subsistence fishers conduct field observations during their everyday work, and they discuss various hypotheses about competing predator species eating their salmons. However, no field biologists are free to investigate hypotheses proposed by the local fishermen's agenda, since no-one would or could pay for it.

The network: These are particular lines traced throughout a particular network of bio-scientific practice. First and foremost, the salmon biologists have gathered information from the actual but invisible ecological web of energy distribution. These webs include the accumulated transfer of nutrition from preys to predators; the fish migration routes hidden under the water

⁷²⁸ Private archive of fishery biologist Kjell Moen, at the municipal public library in Tana Bru (*Tana folkebibliotek*)

⁷²⁹ UN 1992b; Sámediggi Norway 2005 (thanks to Gro Ween for sharing the document)

surface; or genealogies of phenotypes, that can be read by analyzing genetic samples. Accumulating and systematizing such information has been a laborious and time-consuming process. Acts of data gathering and data processing feed into each other, as a praxis network. This has unfolded over time and constituted particular cybernetic systems of organization. During the Alta-dam struggle, salmon biologists were only briefly involved with the state bureaucracy, but soon they were enrolled into the emergent, decentralized and flexible cybernetic system that was the anti-dam movement. The transnational epistemic community empowered itself through interaction between bureaucracies and movements. The biography of Moen is one particular link between our two case studies, and one that is particularly rich in information and connections. He not only directed his attention from the one river system to the other, but he also ascended from a scientific practice closer to the social movements to a scientific practice that became institutionalized at the offices of the County Governor. This exemplifies the emergence of a polycentric and flexible cybernetic system with which one can become involved today. How it functions in the Deatnu area is exemplified by the contemporary activities of Johnsen and other salmon biologists studying this water area. Thus, it constitutes a specific formation within the socio-ecosystem. During my fieldwork, the fieldworker became one particular agent within this network formation. When I met Johnsen on my fishing trip, or visited the biologist Länsmann at her office in the Finnish research station RKTL, they informed me with data from their own research community, while my input to the conversation was questions guided by social theory. The network of bioscientific praxes that I have observed in the field is not only one of practically guided research and instrumental policy implementation. It is also one of struggle for research priorities and contentious policy development. There is a struggle for the control of knowledge production, not in order to dictate the results, but in order to set the research agenda.

8.3.3 Eco-technocracy

In the case of the Deatnu River, the institutionalization of ecological assessment created an eco-technocracy. This technocracy is busy with office work and becomes alienated from the local social-ecological field. The eco-technocracy has close ties to the Angler's Association, but has become alienated from the movements for bio-cultural diversity and environmental justice. From a long-term historical perspective, the contemporary eco-technocracy can be seen as a minor reform of the technocracy that existed at the time of the Alta-dam struggle. In the Nordic countries, technocratic environmental management was instituted during the “green revolution” in agriculture, by

reformers who promoted scientifically informed decision-making.⁷³⁰ At the same time, landscape protection based on aesthetic criteria was instituted by a national romanticist urban bourgeoisie. During the Alta-dam conflict, this notion of nature preservation had been challenged by the more radical concepts of ecological balance and social justice. In the Norwegian policy, the environmental technocracy opened itself up to the institutionalization of “ecocentric” concerns. In the Finnish polity, by contrast, the management of Deatnu salmon is still more influenced by the agricultural technocracy. Thus, during the 1990s, the two governments disagreed over whether or not statistical uncertainty was a reason to show precaution with regard to overconsumption of the fish, or instead, a reason to show precaution *vis-à-vis* oversteering the fisheries.⁷³¹ Disagreement and deliberation led to funding of more biological research, better data, and more targeted regulations. This allocation of resources to bio-science was not steered by scientific concerns alone, but was influenced by political choices and particular economic interests. The Finnish Anglers' Association is in favor of selling licenses at a price that is affordable for common people. Angling is popular as sport and subsistence all over Finland. The Norwegian Anglers' Association is more favorable toward expensive licenses. This national association is more dominated by persons from the national romantic urban bourgeoisie. However, it is also relevant to consider that the Deatnu is more important for Finnish anglers than for the Norwegian ones. According to NASCO statistics, Norway has 480 salmon rivers, while Finland has only two.⁷³² This number says nothing about the size of the fish stocks and the biomass caught in each river, but the difference is so striking that it may nevertheless give an indication. Those are the economic interests that influence the political choices that define the opportunity structures for bio-scientific research. With regard to the mentioned economic interests, the deliberations between the two governments may have sorted out the research priorities that are relevant to maintain sustainable fisheries. However, this organization of knowledge has not only channelled certain research agendas associated with some economic interests. It has also silenced and suppressed certain other research agendas, associated with other economic interests. Those are the various fisheries that contribute to maintenance of traditional Sámi culture: net fishing in the river, net fishing in the fjord, and *oaggun*, a form of angling. The Norwegian Sámi Parliament frames those interests according to two lines of argument: indigenous human rights become an argument about environmental justice; while bio-cultural diversity is an argument about sustainable biodiversity; and both are legitimized with reference to UN treaties.

⁷³⁰ Asdal 2011

⁷³¹ Ween (in prep.)

⁷³² NASCO river database <http://www.nasco.int/RiversDatabase.aspx> retrieved February 2013

8.3.4 Agenda setting in environmental sciences

Such interactions between bio-science, politics and economy are researched in the interdisciplinary field called “environmental science”. Some scholars study politics in terms of “policy networks”, which include social movements, scientists, and policy makers. Powerful constellations within the policy networks are sometimes referred to as “iron triangles”, composed of particular economic interests, particular political priorities, and particular scientific groups.⁷³³ With regard to the Deatnu River, those concepts apply to the bio-scientific priorities of the Norwegian eco-technocracy and the Finnish agricultural-technocracy. In Deatnu River, two iron triangles each enjoy political hegemony at each side of the state-border, and so far they have not merged into one constellation of interests. In the Deatnu water area as a whole, this situation of unresolved inter-state competition should be seen as constituting the actual social hegemony. (If unresolved inter-state competition is called “anarchy”, then this social hegemony is “the reign of anarchy”.) On the oppositional side are the local and Sámi subsistence practices, their interest organizations, the municipal democracies and the Sámi parliaments. This coalition is based in the local communities, in spite of the divisive state border, and together they mobilise for the maintenance and development of community-based management of common natural resources. (If community control over common resources is “the common good”, then the counter-hegemonic force defends “The Common”.)

The strategic position of the various interests within the policy network is an issue about agenda setting. This is an issue of inclusion and exclusion in the state-codified policy processes. However, it is also an issue of informal deliberative democracy in the public sphere. The relatively subaltern fishery interests use those informal channels in order to empower their own capacity for agenda setting. “Democratization of the sciences” is an issue for the chemist Isabelle Stengers, who turned to “Science and Technology Studies”. In her study of medical research and drug addicts, she shows how research priorities are being steered by political processes that exclude and suppress the agendas of subaltern persons who are supposed to enjoy the fruits of the medical research.⁷³⁴ A democratization of science would constitute a counter-power to the iron-triangle within a scientific discipline. For political sociology, the concept of the “iron triangle” should be seen as a variety of “critical elite theory”.⁷³⁵ The discrete ties between leaders of political parties, influential interest groups, and scientific experts, are instances of policy making with little transparency, what has been called *democrazia e segreto*, or “democracy and secrecy”.⁷³⁶ But contemporary political sociologists also search for actual self-empowerment among subaltern groups within the policy

⁷³³ Jordan & O’Riordan 2000

⁷³⁴ Stengers 1999 (1997)

⁷³⁵ Nash 2000

⁷³⁶ Bobbio & Rivelli 2011

networks.⁷³⁷ Those constellations of interests may be seen as “social movement networks” committed to an informal form of “participatory discursive democratization”.⁷³⁸ Those terms, when applied to the realm of science and technology, describe the effort to “democratise the sciences”.

In our case, the oppositional or emerging camp (the movement in defence of “The Common”) has found some degree of support in the environmental policy of the Sámi Parliaments, but so far, the latter are not powerful enough to compete with the agenda setting of the particular interests that have been constituted as “national interests” in the policies of the Norwegian and Finnish governments (The Reign of “Anarchy”). As long as the Sámi parliament is allied to local subaltern interests, the push to empower a specifically Sámi environmental politics is also a push for the democratization of bio-sciences.

8.4.0 Networks of human actors and informal rules: cultural geography

8.4.1 Self-reflexive cultural geography

During the Alta-dam contention, Norwegian public opinion became aware of grievances among the Sámi population. With regard to the Sápmi homeland, it became politically possible to publicly discuss the indigenous demands of self-determination. In the final Supreme Court trial, the association of reindeer herders hired a Sámi lawyer, Leif Dunfjeld, to advocate their cause. They called two anthropologists as witnesses to describe the ecological and economic vulnerability of reindeer nomadism along the Alta River.⁷³⁹ The Supreme Court rejected their expertise and chose instead to accept the expertise of an agronomist that had been appointed by the Ministry of Industry. At that moment, the Alta-dam issue had grown from being an issue of environmental and minority policies of the state, to an issue about the legitimacy of the polity itself. Large-scale civil disobedience was a new and unorthodox form of public participation, and the issue of indigenous rights for a trans-boundary population had made the police paranoid of the hypothetical possibility of a separatist guerilla movement.⁷⁴⁰ The concept of “legal pluralism” was still controversial.⁷⁴¹ Claims of overlapping jurisdictions were re-defined by the political class as a potential threat to the polity. What was a challenge against a particular governing coalition was translated by this coalition

⁷³⁷ Nash 2000

⁷³⁸ Della Porta & Diani 2009; della Porta 2011: 17

⁷³⁹ Bjørklund & Brantenborg 1981

⁷⁴⁰ Hjorthol 2006

⁷⁴¹ Mathiesen 1992 (1984)

as being a threat to state security. Thus, the Supreme Court chose to discipline the anti-dam coalition. In 1982, it strictly rejected the claims of the anti-dam party. Thereafter in 1983, it confirmed the fines that had been given for civil disobedience. Those moves not only disciplined the protestors, but also the national court systems, where many local and regional courts had ruled in the favor of the protestors. However, the Sámi Rights Commission, which had been set up in order to put an immediate end to a hunger strike, was allowed to conduct its investigations. As the transnational indigenous rights movement succeeded in influencing human rights legislation at the UN level, it was possible for the Commission at least to take a conciliatory approach. Already during the Alta-dam struggle, persons from the Deatnu River valley were actively involved in *Folkeaksjonen* and *Sameaksjonen*. Then, as now, there were many issues of shared concern for the local populations of those two rivers. Today, the contentions about natural resource management in the Deatnu water area exemplify contemporary attempts to implement the proposals that were given by the Sámi Rights Commission. The states have accepted the actual jurisdictional pluralism, where international norms and local customs have a legal status. However, centuries of political conflict have produced contradictions, and to sort those out neatly in codified manner be as utopian as it was to impose the utopia of jurisdictional unity.⁷⁴²

Micropolitical links: There were several personal links between the indigenous rights movement along the Deatnu and the anti-dam bloc during the Alta-dam contention. The traditional social structure of those valleys was a flexible network of kinship- and affinity (*verdde*) relations. This network functions as a social capital for economic activity, and it could potentially be activated as civil society by social movement activists. Many young Sámi people in the Deatnu were mobilized politically in response to the Alta-dam struggle. Some formed interest organizations (NGOs) and affinity groups (SMOs) within the wide anti-dam movement. Others kept a distance from civil disobedience, but started to work politically within the established political parties.

The most publicly known person is Niilas Somby from Sirbma, who lost his arm in a failed sabotage action against a bridge. He was a descendant of the legendary Mons Aslaksen Somby who

⁷⁴² Four relevant multilateral treaties were adapted and ratified by the states in Sápmi, from 1966 until 2000:

- A) The *ICCPR* and *ICESCR* were created 1966 (UN 1966a, 1966b). Both covenants were ratified by Sweden in 1971, Norway 1972, Russia 1973 and Finland 1975
http://en.wikipedia.org/wiki/International_Covenant_on_Economic,_Social_and_Cultural_Rights (accessed 06.04.2015) http://en.wikipedia.org/wiki/International_Covenant_on_Civil_and_Political_Rights (accessed 06.04.2015)
- B) The UN *Biodiversity Convention* was created 1992 (UN 1992b), and was ratified by Norway and Sweden in 1993, Finland in 1994 and Russia in 1995. <http://www.cbd.int/information/parties.shtml> (accessed 06.04.2015)
- C) European Council *FCNM* created 1995 (Council of Europe 1995); ratified by Finland in 1997, Russia 1998, Norway 1999, and Sweden 2000 (http://www.coe.int/t/dghl/monitoring/minorities/1_AtGlance/PDF_MapMinorities_bil.pdf) (accessed 06.04.2015)
- D) The *ILO convention 169* was created 1989 (ILO 1989), and it was ratified by Norway in 1990 (Sweden, Finland and Russia have not ratified the convention.)
http://en.wikipedia.org/wiki/Indigenous_and_Tribal_Peoples_Convention,_1989 (accessed 06.04.2015)

had been beheaded in 1854 for his participation during the insurgency in Goudegiadnu (Kautokeino). Niilas was affiliated with the Maoist party, and had participated in *Sameaksjonen's* hunger strike. However, the sabotage action group was an independent affinity group that disobeyed the discipline of the other organizations.⁷⁴³ After the attempted sabotage action, he got political asylum among Canadian indigenous people. The biography of Niilas is spectacular, but atypical.

Less publicly known are the Solbakk brothers from Buolbmát, who were much involved in organizational work and raising awareness. They were descendants of local Sámi activists who had published newspapers and founded associations for Northern Sámi people, at the same time as Laula Renberg had organized the Southern Sámi. That wave of organizational work had ended in the late 1920s, at the same time when the Norwegian Labor party turned to a strategy of accommodation with the nationalist political class. However, the disobedience against assimilation policies had been continuous in the area. The Solbakk brothers were involved in starting the Norwegian Sámi Association (NSR), an interest organization associated with the older Nordic Sámi Council, which in turn was associated with the Nordic Council. They were also involved in Oslo Sámi Saervi during their studies in the capital city. There, they used the office of the Institute for Social Research, with the blessing of its leader, Vilhelm Aubert. They had gotten to know him when the sociologist had worked with post-war reconstruction in the northern periphery, and another sociologist in that team, Per Otnes, had written the famous book *Den samiske nasjon*, “The Sámi Nation”. The institutional detour to the capital city provided a useful resource when *Sameaksjonen* was created, with inspiration from Inuit movements and Gandhian militancy. The Solbakk brothers still continue their organizational and public activities, with a publishing house for Sámi school books and Sámi social science. The two mentioned families come from the villages Sirbma and Buolbmát, both located in the area that was cut away from the old Ohcejohka Siida in 1751 when a border between the states was drawn on a map. The local population on each side still belongs to the same families, contribute to the same barter economy, and speak the same dialect of North Sámi. Ancient subsistence practices, with their implied norms and lore, have been continuous and persistent in the old Ohcejohka Siida, on both sides of the state border. Thus, also grievances have been continuous and persistent.

Further downstream along the Deatnu we find a third well-known family, Pedersen. With a strong sense of belonging to the Coastal Sámi area, the members of this family tended to keep distance from the anti-dam movement, but became involved in the later work of the Sámi Rights Commission. This family is active in an environment where the Norwegian Sámi Association (NSR) was rejected because of its support for civil disobedience and its ties to urban radical

⁷⁴³ Hjorthol 2006

students. Instead, Samenes Landsforbund (SLF) was created, with explicit loyalty to the Labor Party and the Norwegian state.

People from the Pedersen family and the Solbakk family have been particularly active in undertaking historical research. During the Alta-dam conflict, scientific historical research on the ancient Siida society was scarce. In some publications from the period, one can see hypotheses about “primordial communism” being proposed.⁷⁴⁴ That was in line with the dominant social scientific meta-theory of that age: the unilinear modernization theory, shared by both Parsonism and Marxism.⁷⁴⁵ However, it proved useful in an early phase, in order to invert the significance of Sámi belonging from one of social stigma to a symbol of valuable culture and political fellowship. It also provided research hypotheses for the more scientific historical archive work, which found proof of the existence of an ancient tribal confederacy, and the continuous development of customs from that time.

The network: Those three families in the Deatnu valley were involved in the Alta-dam conflict in very different ways, used very different strategies, and played very different roles in the wide indigenous rights movement of the area. The Solbakks exemplify the organizational work and smart media strategies in affiliation with the student movement of the time. The Pedersens exemplify organizational work within the established labor movement hierarchy, and external loyalty to the ruling party/state. Niilas Somby is a unique example of highly controversial and spectacular direct action, in a form that some would classify as violent. In spite of the differences between those approaches, there are also family resemblances between them. The Solbakks and Somby were together in *Sameaksjonen* before they chose different paths. The Pedersens and the Solbakks together undertook historical research on questions of relevance for indigenous rights claims. Finally, Somby and the Pedersens were in different socialist parties that both adhered to the Marxist dogma that political order is made and maintained by coercive power.

8.4.2 Pluralistic cultural-political praxes

Movement of movements: Those family resemblances between highly different action repertoires make this constellation of activities appear as a “movement of movements” in terms of social movement theory.⁷⁴⁶ Within such highly pluralistic and flexible network constellations, there is a wide variety of different claims and action repertoires. The family resemblances between such

⁷⁴⁴ The Norwegian Folk Museum library and archive (retrieved summer 2009). Se especially the document: Tromsø Sámi Association 1986: *The First Nations. Report from Indigenous Days 1984*. Romssa: Keviselie Publisher.

⁷⁴⁵ Hulme and Turner 1990

⁷⁴⁶ Della Porta & Diani 2009

choices may facilitate alliances, while the discrepancies between them might facilitate splits. It all depends on the situation. Within the global justice movement, the normative political theorist Naomi Klein legitimizes such messiness as a “plurality of tactics”.⁷⁴⁷ Within the global justice movement, such diversity is believed to make the movement of movements more sustainable in the long run, analogous to how biological diversity in an ecosystem contributes to evolutionary sustainability. Certainly, however, plurality may also involve splits and co-optation. That happened in the UN climate summit COP 15, in Copenhagen 2009. In that instance, police provocateurs had taken control of the “Never trust a COP” network, which actively recruited activists for rioting.⁷⁴⁸ At that moment, Naomi Klein publicly condemned rioting as a legitimate tactic.⁷⁴⁹ While the rioters were co-opted by the cops, they also lost a tacit alliance with former comrades who chose different tactics. Thus, the plurality and flexibility in a movement of movements may produce alliances or splits.

Pluralistic political systems: From the Alta-dam controversy to the present Deatnu contentions, the movement of movements has interacted with other pluralistic networks of cultural praxes, most notably those that constitute the kinship systems and the state systems. The mentioned examples of activism focused on particular families. The Sámi societies in the Alta and Deatnu watersheds are organized on the basis of kinship and reciprocity systems, with a low degree of centralized power, and a high degree of flexibility. As with other kinship-based systems of social organization, the families in the Alta and Detanu water areas often play out complex and dynamic local political games. The dynamics has some similarities with the abstract model of “segmentary lineage” used by social anthropologists: Some kin groups might be accommodated in political-economic centres outside the local community, while others might be in opposition to those same centres of power.⁷⁵⁰ From my fieldwork, my impression is that the families who enjoy state-certified rights to own many reindeer or to fish with nets in the river tend to be relatively more accommodated with state politics and market capitalism. However, there also appears to be a tendency for subaltern coastal fisher-peasants to channel their grievances through the dominant catch-all party, since they lack the resources to empower themselves by utilizing freedom of speech and free competition. However, not only is the local community pluralistic and open for manipulations; the same is the case for the states. Most notably, our Alta-dam case study has revealed that the split between pro-dam and anti-dam blocs was a not only a social cleavage within the population, but also within the state system: the judiciary had been split, the legislators had been

⁷⁴⁷ Klein 2002

⁷⁴⁸ Monroy 2011

⁷⁴⁹ Field observation from the assembly *Bunnmøtet*, “the bottom meeting”, held in the free-state Christiania during the UN climate summit COP15, December 2009

⁷⁵⁰ Sahlin 1972; Gellner 1969, cited in Geertz 1971; McGinnis 1999; Hutchinson 1996

split, and the administration had been split. That the hegemonic political bloc finally restored hegemony through party discipline and the Supreme Court, does not change the fact that their hegemonic definitional power had been challenged within the state structure. If the anthropological gaze is turned from kinship systems to state systems, *de facto* ambiguities are often revealed within a system that might be *de jure* unified.⁷⁵¹ Thus, the movement of movements has unfolded in-between two other political networks that also are rather pluralistic and flexible. One is the local kinship system, which has kept customary norms from the ancient stateless political system. The other is the state system, which no longer can uphold the high-modernist over-ambition of virtual unity. Anthropologically, those are two partly overlapping political systems. They have co-evolved in an ambiguous way. The contemporary result is a juridical pluralism with some contradictions, which one (must) now attempt to sort out and codify. The co-evolution between those two pluralistic orders opens up spaces for tactics of *divide et impera* against the local population. Symmetrically, it also opens opportunities for local people to utilize competition between different state agencies, to make tactical alliances with one or the other. Finally, it may not always be entirely clear what are illegal repertoires of action, since the actual jurisdictional pluralism includes unresolved inner contradictions. Political contention over such issues may contribute to an open-ended process of normative clarification.⁷⁵² Thus, such contention may function as an informal form of participatory deliberative democracy.⁷⁵³

8.4.3 Agenda setting for historical science

The movement of movements also interacted with a third pluralist network of cultural praxes, namely those that constitute the institutions of historical research. Like the bio-scientific epistemic community, historians also trace networks of invisible but actual phenomena. The unified school system of the state had selectively informed the population about the historical findings that had been the result of particular research interests. There had been unity between “the Norwegian historical school” and the political goal of fostering national patriotism through the school system. This symbiosis had worked so well that the highly educated population had become equally highly ignorant of the actual colonial history in the northern area. Only with the Sámi Rights Commission, would historians from Deatnu valley, together with Sámi colleagues such as Kaisa Korpijaakko, gain the resources to find scientific proof for what was already known in local oral history: that their lands had been colonized. The cybernetic system that emerged via the Sámi Rights Commission had

⁷⁵¹ Das & Poole 2004

⁷⁵² Christie 1977

⁷⁵³ Della Porta 2011

been institutionalized when I arrived at my fieldwork along the Deatnu River. A Sámi school system and Sámi school-books were funded by the Norwegian Sámi Parliament and the EU INTERREG program. That would have been impossible during the Alta-dam struggle, when national unity was a policy goal for the hegemonic political class. Today, the Deatnu and Alta Rivers are subjected to states with less pretensions of denying their own polycentric composition. However, within the school system(s) of the polycentric state, the recent progress in historical research is not being shared with the children of the *ethnic majority* within the nation states. Thus, the *colonizing nations* remain *ignorant of their own history of colonization*. In the discussion about bio-sciences (8.3.4) I used the concept of a “democratization of the sciences”.⁷⁵⁴ With regard to the historical sciences, one contribution to democratizing the science was the turn from history of kings and wars, to national history, while a further contribution was the turn away from nationalist framings of history, to transnational history, regional history and indigenous history. Some push to continue this trend towards democratization. For example, the Kvän teacher Terje Aronsen agitates that there is a need for more research and teaching regarding the minorities of Sápmi, such as the Kväns.⁷⁵⁵ This is one challenge, but it is another type of challenge when the colonizing nations remain ignorant of their own history of colonization. This is a problem about the relationship between different, partly overlapping, cultural fellowships. Those cultural fellowships are also democratic fellowships, *demoi*. Most people in Sápmi have double cultural belonging, and thus, they are members of different *demoi* with different territorial extension. Most local people in the Deatnu valley participate in two or more *demoi*. On both sides of the border, most local people participate in the same local and regional Sámi politics; while at the same time, they participate in the national politics of each of the host states. On the Finnish side, they also vote for the European Parliament. Additionally, one could ask why there are no institutions for the representation of Kvänish interests. Shared school systems are among the factors that contribute to the maintenance and deepening of particular *demoi*. School politics tend to be controversial in Sámi areas.⁷⁵⁶ Everybody in the area belongs to overlapping *demoi*, and with a standardized school system, the territorial boundaries of the system will always be arbitrary. This challenge is also relevant beyond Sámi areas, for the public school systems all of the Nordic states. When parents outside Sámi areas do not protest against the lack of colonial history and Sámi history in the schooling of their children, it is because they themselves remain ignorant of the actual colonial history of their own nations. Additionally, the colonizing nation has little immediate self-interests of becoming less ignorant of its own history of colonization. The maintenance of this ignorance may be a reason why the True Finns and the

⁷⁵⁴ Stengers 1999 (1997)

⁷⁵⁵ Interview with Aronsen, Terje (Frogner Church, 04.03.2012)

⁷⁵⁶ Pedersen & Høgmo 2012

Progress Party mobilize people who have been kept under-informed about the colonial history of Sápmi, and therefore draw the logical conclusion that indigenous rights must be privileges. The drawing up of a syllabus implies choices of formation and under-information.

8.5.0 Entangled networks: complex dynamics within social-ecological systems

8.5.1 Gathering the threads

Above we have traced three different *socio-material networks* that link the historical Alta River case study to the ethnographic case study from the Deatnu River. *First*, I traced a net of socio-material processes *related to phenomena of physical geography*, such as topography and hydrography. *Then*, I traced similar networks *related to bio-geographical phenomena*, more particularly the biology of migrating Atlantic salmon. *Finally*, I traced networks *related to phenomena of human geography*, more particularly the social organization of trans-boundary Sámi areas.

Those tracings have *revealed complex interactions* of various causal factors. These various complexities may be summed up in three observations:

- I. These historical-geographical processes reveal actual *topical complexities*: *The abiotic, biotic and human causal factors* are not separate domains, but instead, such factors constantly interact. Thus, they constitute *complex Socio-Ecological Systems (SEs)*. The complexity between issue areas is a concern in deliberations about environmental protection and indigenous rights.
- II. The same historical-geographical processes reveal actual *spatial complexities*: *The various SEs are spatially entangled* with each other. Salmon migration routes constitute one such system. The homeland of the Sámi culture constitutes another. The territorial claims of sovereign states cut across actual abiotic, biotic and human systems. This complexity of spatial formations is also a concern in deliberations about environmental protection and indigenous rights.
- III. In sum, both topical complexities and spatial complexities were revealed by the historical-geographical process tracing above. Some local actors in the Alta and Deatnu water areas put forward claims that integrate both spatial and topical complexities. From a social movement perspective, they could be defined within that particular segment of the transnational movement of movements, where concerns for environmental protection coincide with concerns for indigenous rights. These we can label as *environmental justice*

movements. These are movement with an interest in the metabolism between *bioregions and their populations*, especially in areas where these regions have been *colonized by dominant political entities*. These conditions are all found in the Alta and Detnu water areas.

Now I will address each of these complexities in turn.

8.5.2 Topical complexity between causal factors: Social-Ecological Systems (SESs)

The historical-geographical processes traced reveal actual *topical complexities* (ad 8.5.1, point I). The abiotic, biotic and human factors are not separate domains, but instead, such causal factors constantly interact. Thus, they constitute complex Socio-Ecological Systems (SESs). This complexity between issue areas is a concern in deliberations about environmental protection and indigenous rights. *Abiotic factors* include phenomena such as the spatial flows of water, the potential energy of natural water resources, and the possibilities to channel it otherwise. *Biotic factors* include the migration patterns of wild salmon, hidden below the water surface; the genealogy of phenotypes, hidden between the lines of genetic strings; and the size of the stocks, where the truth hides behind rough estimates. *Human factors* include the pluralities of the local kinship system, and the ambiguities of the state systems. *All three networks* inform scientific praxes, and all three networks are informed by management praxes.

Management and science are both organized in socio-material networks. Both of these networks feed into each other, and are influenced by social movement networks. All of those networks of socio-material processes are phenomena that may be traced in terms of “Actor Network Theory”. However, all of these networks are also integrated in more traditional terms, as “resource geography”, the basis of what Marx called “Man's metabolism with Nature”. Thus, all of the mentioned networks constitute components in the flow of energy, nutrition and information that Elinor Ostrom characterizes as “Social-Ecological Systems”.

After the Alta dam struggle, the transnational social movements and transnational epistemic communities succeeded in putting certain issues on the public agendas, which in turn, have become institutionalized as specific policy areas. However, with the institutionalization of environmental protection and indigenous rights, those issue areas are sorted into separate institutions for research and policy. With regard to the present Deatnu River, this division of labor is contested by some coalitions of activists, politicians, bureaucrats and scientists.

8.5.3 Spatial complexities between SESs: poly-centric geographies

The historical-geographical processes traced reveal actual *spatial complexities* (ad 8.5.1, point II). The various Socio-Ecological Systems (SESs) are spatially entangled with each other. Salmon migration routes constitute one such system. The homeland of the Sámi culture constitutes another. The territorial claims of sovereign states cut across actual abiotic, biotic and human systems. The complexities of such spatial formations are also a concern in deliberations about environmental protection and indigenous rights. Two geographical formations are the Norwegian and Finnish states, which in principle claim sovereignty within clearly defined borders. Another geographical formation is the physical geography of water areas, where the Deatnu River runs between two states, and where Lake Iešjárvi represented a tempting reserve of potential energy for ambitious state builders. A third geographical formation is the bio-geography of migrating Atlantic salmon, a common natural resource for all stake holders that are active along the pathways of its habitat. A fourth geographical formation is the pluralistic social organization of people in Sápmi. Those kinship and affinity networks are flexible, decentralized and ethnically heterogeneous, but nevertheless they are the reminiscent of an ancient stateless political system. The geography of state sovereignties cut across all the other mentioned geographies, but in practice the states are in themselves pluralistic entities, dealing with the geographical overlap in different ways. In practice, Norwegian and Finnish state builders never actualized their ideal of jurisdictional monopoly within a bounded territory, but instead, had to deal pragmatically with each other, with international norms, and with trans-boundary local customs. After the Alta-dam struggle, transnational social movements and transnational epistemic communities got involved with all of those sources of jurisdiction, namely: local, national and international. Transnational contentious deliberation led to international norms on environmental protection and indigenous rights, which in turn became ratified by the states, so that the movements could demand a codification of the actual jurisdictional pluralism at a local level. Thus, the states are no longer nation-states, but have reverted to the multi-national character they used to have before the rise of nationalism. Still, the present jurisdictional pluralism is a product of ambiguous relations between the different sources of norms, which have left unresolved contradictions in the present jurisdictional pluralism. A principal difference between the historical Alta case and the ethnographic Deatnu case is that during the time that passed between them, jurisdictional pluralism went from being a taboo to become codified in state law.⁷⁵⁷ With regard to the present day Deatnu River, this is one of the main issues of contention. It is an open question as to whether the goal of sorting out those contradictions in codified form will be less utopian than it was to attempt to create jurisdictional monopolies within bonded nation-states.

⁷⁵⁷ Mathiesen 1992 (1984)

However, although this might be a utopian ambition as a final goal, the public contention on those issues may nevertheless imply an ongoing clarification of norms.⁷⁵⁸ Thus, the contention may in itself be seen as a practice of participative deliberative democracy.⁷⁵⁹

8.5.4 Integrating spatial and topical complexities: environmental justice movements

Some local actors in the Alta and Deatnu water areas put forward claims that integrate both spatial and topical complexities (ad 8.5.1, point III). From a social movements perspective, they could be defined within that particular segment of the transnational movement of movements where concerns for environmental protection coincide with concerns for indigenous rights. This, we can label as environmental justice movements. Those are movements with an interest in the metabolism between *bioregions and their populations*, especially in areas *colonized by dominant political entities*. Those conditions are all found in the Alta and Detnu water areas. We will now have a look at some local activities dealing with those concerns: first in research, and then in policy.

Some controversies regarding scientific research were traced above. Those controversies regard the relationship between bioregions and indigenous peoples in the Alta and Deatnu water areas. The *historiographical* controversies deal with how long particular groups have inhabited particular areas, and the evolution of particular livelihood adaptations. Oaggun (angling) among River Sámi is one example, the Coastal Sámi and Kvän cultures are other examples. The minorities-within-the-minority initiate their own research. However, there is also a lack of general popularization of the progress in scientific historiography after the fall of nationalist historiography. The *bio-scientific* controversies deal with which research questions should get priority and funding, and in whose interest it is to know about such questions. One example is the deliberations between the Norwegian eco-technocracy and the Finnish agricultural-technocracy. Another example is the silencing and suppression of research questions that are raised by local practitioners of traditional net fishing in the fjord, net fishing in the river, and *oaggun* (angling) in rivers, streams and lakes.

There is a particular cluster of policy makers who have an interest in the mentioned research questions. Those policy makers deal with the relationship between the indigenous population and the local bioregions within socio-ecosystems that have been divided by colonizing states. Such are the concerns of the *Sámiráđđi* (The Nordic Sámi Council), and its affiliated state-specific interest organizations, such as NSR.⁷⁶⁰ The same concerns have been integrated into the official

⁷⁵⁸ Christie 1977

⁷⁵⁹ Della Porta 2011

⁷⁶⁰ Nordic Sámiráđđi 2009: see the Draft Nordic Sámi Convention

environmental policy of the Norwegian Sámi Parliament.⁷⁶¹ This refers to international treaties on the relationship between biological diversity and indigenous rights.⁷⁶² It has been politically possible to speak relatively freely about these issues since 1997, when the Norwegian Ministry for Police and Justice published a report from the Sámi Rights Commission, called “The Natural Basis for the Sámi Culture”.⁷⁶³ It should be emphasized that those are policies for the protection of locally-based subsistence practices, and for locally-based control of natural resources. This is a result of how the Sámi society is organized, both as a reminiscent of an ancient stateless political system, and after interactions with the communalist movement in Finno-Scandia. There is no “aspiration to statehood” because Sápmi never was a state, and never became, but always has continued to evolve as a stateless political system in the shadow of the states. My hypothesis is that some methodological nationalists misunderstand Sámi policies as “aspirations for statehood” because those readers lack the imagination to perceive that a stateless political system might have existed and indeed still does exist. Those issues regard the most controversial tenant of indigenous politics: In international literature, it is often called “the right to territorial self-determination”. In the Nordic area, we call it “the right to land and water”. Methodological nationalists misread such claims as “aspirations to statehood” because they apply a metaphysical interpretative scheme, thus limiting their ability to imagine a political order that is not a state. Such misunderstandings are found in the rhetoric of some politicians, such as the True Finns, the Progress Party, as well as Olav Gunnar Ballo from the opposition within the Norwegian Labor Party. Similar misreadings are found in the research of the political scientist Anne Julie Semb.⁷⁶⁴ The nationalist *doxa* is widespread in the population. This may be a result of the above-mentioned lack of decolonization in public education and public discourse among the ethnic *majority* within the nation states. Indeed there is an interaction between the social reproduction of nationalist *doxa* and the lack of dissemination of the progress in historical research. Nationalist *doxa*, in turn, reproduce misunderstandings that delay the implementation of indigenous rights, and thus, the Sámi parliament has not been capable of influencing the bio-scientific research agenda in favor of those problems that would have been relevant to investigate for the more subaltern fishery interests.

The integration of *geographical complexities* and *topical complexities* is not only a concern for relatively subaltern interests in the Alta and Deatnu water areas. Political contentions in a socio-ecological multi-level environment have brought about two large-scale experiments in political geography, both of which are applied to the Alta and Deatnu water areas. Local and transnational indigenous rights mobilization has resulted in the *Finnmark Act*, which is an attempt to sort out

⁷⁶¹ Sámediggi Norway 2005 (thanks to Gro Ween for sharing the document)

⁷⁶² UN 1966b: § 27; ILO 1989; UN 1992b: pp. 1, 8, 11, 12

⁷⁶³ Norwegian Official Report 1997a (NOU 1997:4); 1997b (NOU 1997:5)

⁷⁶⁴ Semb 2001; Semb 2003

contradictory claims between state laws and local customs. European environmentalist mobilization has produced the *Water Framework Directive* at EU level, which is now being implemented. Both are ambitious attempts to reform and transform the existing political geography, and both have been proposed by reformist movements that interact with more radical movements.

8.6.0 Macropolitical formations: constituted order

Alta and Deatnu water areas are sites of local and national politics, but they are also located within a process of geopolitical transformation on a grand scale. The large-scale geopolitical environment is changing not as a result of warfare, but rather as a result of better diplomatic relations between the well-established Russian Federation and a potential West-European federation. The Alta and Deatnu Rivers are located in a sub-Arctic fringe of Europe where two macro-regional integration processes overlap: From the north, there are some initiatives for macro-regional integration in the Circumpolar Arctic. From the south, there is an ongoing political experiment with Western European political integration. The joint effect is that of an emergence of transnational, bio-regionally defined development programs on a less grand scale. The EU *Baltic Sea Region* and the Norwegian *Barents Secretariat* both work on relatively peripheral Northern European areas on the European side of the Ural Mountain Range. This area includes some vulnerable socio-ecosystems with Arctic habitats and indigenous peoples. This emerging political order opens new political opportunities for what the Nordic countries know as “district politics”. The Arctic parts of Sápmi used to be a province for the extraction of natural resources, and indeed they still are. Transnational district politics in this area were politically difficult in the Europe of Nation-States, since nation-builders kept the Sámi political entrepreneurs down in fear of potential Sámi separatism. In spite of sustained colonial relationship under the European common market, some political opportunities are now emerging for *transnational district politics* in Sámi areas, with the *EU INTERREG IV A Nord* being an example.

The geopolitical transformations on a large scale are produced by a myriad of interacting explanatory factors that may be impossible to keep track of. They include local and transnational social movement struggles. They also include accommodation with states and intergovernmental treaties. Within this vast socio-ecosystem, one particular contribution to the grand web of causation was the particular outcome of the Alta-dam struggle. Certain claims that were radical during the Alta controversy would be adopted and co-opted by the host states. The anti-dam coalition pushed

for ambitious claims about environmental justice. Moderate forms of those claims would become institutionalized as separate policy areas: environmental policies and indigenous policies.

We will now have a look at the interaction between states and social movements in the time that passed after our historical Alta case, and until our ethnographic Deatnu case. The two states that are relevant for those water areas will be taken into consideration: Norway and Finland. Thereafter, we will briefly look at some details regarding the political transformation of those polities.

In the end, we will present two regional policy initiatives with special relevance for the Alta and Deatnu water areas: the EU Water Framework Directive and the Finnmark Act. Both are ongoing institutional experiments that attempt to answer the need to integrate concerns for nature and culture, and integrate ecosystems that have been divided by nation-state borders.

8.6.1 Policy adaptation: co-optation in Norway and Finland

The institutionalization of watershed management and fishery regulation in the Deatnu River are taking place within a political environment, which itself is in flux. Compared to the situation thirty years earlier, it is striking that what were then the radical claims of new social movements, have now become institutionalized policy areas. In Finland and Norway, as also in Sweden, indigenous rights policies and environmental policies are delegated to separate and specialized organizational bodies under the governments of the existing states.

Table 8-1: *Insiders and outsiders of the policy process*

	Finnish polity	Norwegian polity
environmental movement	Finnish environmental policy	Norwegian environmental policy
indigenous rights movement	Finnish indigenous rights policy	Norwegian indigenous rights policy

The interactions between movements and states in Nordic countries have been investigated by political scientists, sometimes from a comparative perspective, and often with an interest in the policy areas pursued by new social movements, such as environmentalism and indigenous rights.

Two polities, two movements: Within the states of Finno-Scandia, the Sámi have succeeded comparatively well in making reforms to the Norwegian system, and have fared comparatively badly in the Finnish system.⁷⁶⁵ One of multiple reasons for this, is the stronger historical influence of associationalism (in the tradition of Proudhon) in the political culture of Western Scandinavian

⁷⁶⁵ Forrest 2006

states.⁷⁶⁶ Another of the reasons is that Norwegian government has very strong financial resources, from state-controlled oil and gas exports. As a result of these two factors, the Norwegian entity, to an even greater degree than the Finnish entity, tends to tackle oppositional social movements by inclusion / co-optation.⁷⁶⁷ Thus, the Norwegian entity has granted the Ministry of the Environment comparatively more authority over minor political issues like salmon fisheries, as long as it respects its informal subordination to the Ministry of Oil.⁷⁶⁸ The Sámi minority, which is a much bigger minority in Norway than in Finland, also enjoys much more funding for their political institutions from the Norwegian state than from Finland, and also a higher degree of ratification of international law that grant rights to indigenous peoples.⁷⁶⁹ Thus, the relationship between the Norwegian and the Sámi nations is largely regulated by both nations being involved in / co-opted into the same political centre. The Finnish nation, by contrast, which is relatively less prosperous when compared to the Norwegian one, and maybe more geostrategically vulnerable as well, has been relatively more reluctant to share the privilege of its nation-state with the even more precarious Sámi nation.⁷⁷⁰ On the Norwegian side, oppositional movements like the Sámi rights movement and the environmental movement find themselves in an ambiguous plurality between co-optation into a neo-liberalist regulative state, and keeping the circumpolar alignment with other indigenous peoples, within the wider alter-globalization movement.⁷⁷¹ On the Finnish side, social movements are confronted with the same choice of assimilation or autonomy. However, in Finland, compared to Norway, these two tendencies are kept relatively more separate, as the political class of the Finnish nation is relatively less willing to include opposition movements.⁷⁷² As a consequence, the Finnish political culture provides a clearer divide between social movements and state politics. Thus, compared to Norway, state politics in Finland is relatively more centralized, while social movements are relatively more excluded. In Dryzek's terms, exclusion might produce autonomy, to the same degree as inclusion may cause co-optation. Thus, in his terminology, the Finnish political system opens more room for "sub politics" amongst the civil society actors. The person that is cited as having coined the term is Ulrich Beck, who in 1993 claimed to observe a "subpoliticization of society".⁷⁷³ In his definition, the term "sub-politics" refers to as all the politics that goes on "outside and beyond the representative institutions of the political system of nation-states".⁷⁷⁴

⁷⁶⁶ Kaspersen 2002; see also "East-Nordic" management practice, according to Sandström et.al. 2008:17, cited in Sande 2010:46

⁷⁶⁷ For a critical stance: Dryzek et.al. 2003, and for a critique of the critique see Grenstad 2006, cited in Konttinen 2010.

⁷⁶⁸ Dryzek et.al. 2003:172 (for a slightly less critical view, see page 78)

⁷⁶⁹ Forrest 2005

⁷⁷⁰ Forrest 2005:232-234

⁷⁷¹ Heininen & Southcott 2010

⁷⁷² Kottinen 2011

⁷⁷³ Beck, 1993: 157 ff., referred to by de Vries 2007: 782

⁷⁷⁴ Beck, 1996a: 18, cited by Holzer and Mads 2003: 80

The Norwegian state, in the analysis of Stein Rokkan, has two channels of democratic participation, one the “electoral-parliamentarian channel”, and another, the “corporate-functional channel”.⁷⁷⁵ That can be regarded as a centralization and hierarchization of the West-Nordic associationalist tradition, what Dryzek referred to as inclusion/co-optation. On the Norwegian side, as a result of inclusion of the movements, autonomous sub-politics is a more threatened species.⁷⁷⁶ Dryzek et al. even refer to the Norwegian environmental movement as the watchdog “that didn’t bark in the night”.⁷⁷⁷ Seen in the context of those theories about political culture in the Norwegian nation-state, it is interesting to re-visit the competition that emerged regarding salmon fishery regulation, between the institutionalized environmental policy and institutionalized indigenous rights policy.

Norwegian statism and the globalization movement: Within the Norwegian political system, there appears to be some degree of competition between the institutions of indigenous rights policy and the institutions of environmental policy. For example, regarding local fisheries in the Deatnu valley, conflicting goals have been pursued by the Sámi parliament and the Directorate of Nature Management. Maybe even more striking, was the instance when the Ministry of the Environment carried out a policy process for the regulation of salmon fisheries, refusing to take into consideration the parallel policy process for the collective human rights of the Coastal Sámi minority, carried out by the Ministry of Fisheries.⁷⁷⁸ The mobilization of new social movements during the time of the Alta-controversy has led to gradual reforms. The insiders within institutionalized politics have responded to the grievances of the outsiders, by enacting new policy areas, designed to target various goals of voiced by different segments of the movements. Since the new social movements started out as a heterogeneous pluralist counter culture, the sorting into separate policy areas is a result of the appropriation of radical causes to bureaucratic routines. Thus, the heterogeneity of the new social movements has become sorted into neatly defined categories, which are mutually exclusive. Within each policy area, some centralized NGOs have been selected to represent the interests of the corresponding segment of the social movements. According to corporatist practice, the representation is two-way. Some administrative tasks are delegated by state agencies to interest organizations, especially RaD tasks. Thus, the selected NGO ends up with the paradoxical task of administering the status quo while simultaneously channeling the push for transformation. In the conclusion of the comparative study by Dryzek et al., the authors conclude that the “muted quality” of the Norwegian environmental movement in the 1990s was in part a result of “the analgesic or even anti-democratic face of the actively inclusive state. Ecological

⁷⁷⁵ Rokkan & Flora 1999

⁷⁷⁶ Dryzek et.al. 2003: 94-95, 171-174

⁷⁷⁷ Dryzek et.al. 2003: 87

⁷⁷⁸ Ween 2012a

modernization in Norway is weak and set to remain a moderate, top-down project. There are no significant actors raising critical questions about the basic structure [...] no social movements to constitute an autonomous public sphere”⁷⁷⁹ Some political scientists in Norway responded, accusing Dryzek et al. of overlooking the particular Norwegian culture of “state-friendliness”.⁷⁸⁰ Thus, they do not contest the description by Dryzek et al., but rather their normative evaluation. In my view, the Norwegian political elite has assimilated both environmental politics and indigenous rights politics in a way that corresponds with the evaluation of Dryzek et al. Thus, particular segments of the social movements are accommodated within a “social contract” characterized by a consensus described by Grenestad et al. as “state-friendly”. However, how consensual is that consensus actually? When refraining from problematizing such a consensus, a political researcher has to apply an optimistic, integrative approach, looking away from the pessimistic, conflict-theoretical approach.

Independently of the normative evaluation, I think that the descriptive observation fits with the observations made in the present chapter, that Norwegian environmental authorities, in their active opposition to traditional Sámi livelihood adaptations, express the social capital anchored in a specific status group, nick-named “the nickers-nobility”, and thus, marginalize the social radical tendencies of the environmental movement, associated with bio-cultural diversity and environmental justice. However, this critique not only applies to the accommodation of environmental politics, but also to the assimilation of Sámi rights politics. The Sámi Rights Commission chose a conciliatory approach, in spite of the historical injustice revealed.

The most contentious issue is the right to land and water in the areas where Norwegian territorial claims overlap with the extension of Sápmi as a traditional homeland. In 1751, the Crown had stated that this land was *Terra Nullius*, and thus free to be claimed as *sovereign territory* of the Crown (in terms of public law), but even also as its *landed property* (in the sense of private law).. That was the legal basis for the state’s claim of ownership of land and water in Finnmark County, which became publicly controversial during the Alta-controversy. Years of local, regional and international mobilization led to the enactment of several reforms, but the right to land and water in Inner Finnmark remains contentious, as also in other parts of Sápmi. The state created a new institution, called *Finnmarkseiendommen* “the Finnmark property”, re-stating that the area was state property. For many patriotic Norwegians, the creation of a special body for this purpose signaled that much, maybe too much, influence had been exerted by the Sámi activists. In my opinion, however, such Norwegian patriots are badly informed by the history of 1751, still believing in the political myth that the land was never colonized by the state. They live in a mythic cosmos, where

⁷⁷⁹ Dryzek et.al. 2003: 174

⁷⁸⁰ Grenestad et.al. 2006, cited in Konttinen 2011

the past is a mythical past, before “Leviathan”, there was only “anarchy”, to put it Hobbesian terms. But the Crown did not erect law and order from “anarchy”, and neither did it colonize any empty *Terra Nullius*. On the contrary, the early modern states slowly established imperial connections to a pre-existing stateless political system, where specific customs already governed the use of natural resources in specific territories. In my opinion, if we take history into regard, then *Finnmarkseiendommen* should rather be seen as a way whereby the Norwegian empire strikes back, against the indigenous human rights movement in Inner Sápmi. To sort out disagreements between the state, the local Sámi, and others who claim rights to use local natural resources, a special court has been constituted, *Finnmarkskommisjonen*, or “The Finnmark Commission”, whose task is to conduct a detailed investigation of the actual perceptions and practices of customary rights in every locality all over the area. Legally, however, the decisions of that court are subordinated to the Supreme Court of Norway. Thus, in spite of the general acceptance of legal pluralism within jurisprudence, some degree of bias from methodological nationalism prevails. However, with the ratification of international human rights norms, the state has also accepted that citizens can make complains about human rights breaches to certain international institutions that monitor human rights breaches. For the indigenous peoples of Sápmi, it can be relevant to request legal opinions from the European Court of Human Rights, from the UN Human Rights Council, and from similar institutions in the regional and global human rights regimes.⁷⁸¹

⁷⁸¹ *The right to appeal*: Indigenous peoples do have some limited opportunities for legal appeal at supra-state level when states commit human rights breaches. Through the creation of international human rights institutions, the states have given away some of their (claimed) power, so that these institutions may provide legal opinions regarding conflicts between the states and their subjects. Thus, various “human rights regimes” emerge as complex systems, nested and partially overlapping (Donnelly 2013: 138). The implementation of various human rights is rather uneven: though the Universal Declaration of Human Rights insists that all human rights have to be understood as a whole, the citizens nevertheless enjoy relatively better mechanisms for individuals to complain breaches of civil and political rights, when compared to breaches of economic, social and cultural rights (Riedel, Giacca & Golay 2014). The Finnish lawyer Martin Scheinin (2000) has mapped some of the opportunities that exist for indigenous citizens to draft legal complains regarding breaches of civil and political rights. He observes three paths of relevance to Sámi citizens. We could discuss further possibilities as well.

(a) Complain for the United Nations: Human Rights Committee (HRC), regarding a state's failure to confirm with the ICCPR Article 27 and its Optional Protocol. This option is relevant for all Sápmi and for most indigenous peoples of the world. There are many experiences with indigenous land rights according to Scheinin 2000: §3.1. See also Wikipedia: United Nations Human Rights Committee, accessed 05.03.2015.

(b) Complain for the Council of Europe: European Court of Human Rights, regarding violations of the European Convention for the Protection of Human Rights (ECHR). This is relevant for all Sápmi, and other indigenous peoples in Europe (Inuit, Nenets...). A few experiences with indigenous land rights (including the Alta-dam case) according to Scheinin 2000: §3.2, see also Wikipedia: European Court of Human Rights, accessed 05.03.2015. (Comparable paths, but for other regions, exist through the Organization of American States, African Charter of Human Rights, Scheinin 2000: §§ 3.3-3.4)

(c) Complain for the United Nations: International Labor Organisation regarding ILO convention no.169. This option might become potentially relevant for the Sámi in Norway, which is among the few states that have ratified the ILO 169 (Scheinin 2000: §3.5). However, the complaint has to be represented through trade union structures (ibidem, referring to Samson & Schindler 1999). (Comparable path complains for the World Bank Inspection Panel, as used during the dam conflict in Narmada River in India, Scheinin 2000: §3.6)

(d) Further potentially relevant paths would include lobbying with other organizations. There exist some weakly institutionalized mechanisms at the UN and the Council of Europe levels to control breaches of economic, social and cultural rights, in parallel to the rather more powerful mechanisms in the UN and the Council of Europe to control

If I take a *governmental point of view*, the contemporary Norwegian state is no longer a Leviathan commanded by one head, but instead, a beast with many heads. As with a monster of Scandinavian folk lore, the troll, one head is arguing against the other. On the one hand, that might imply that the impact of neoliberal re-regulation has made the government messy and no longer accountable, which would pose a problem for the sovereignty of majoritarian representative democracy. On the other hand, if one applies a wider concept of democratic participation, the many headed troll might be regarded as a more pluralist political order, with larger degree of balance of powers, and broader options of input for citizen participation.

If I try taking *the point of view of the alter-globalization movement*, the polarization between the two movements is a product of their assimilation into the state apparatus, and the administrative division into separate policy areas. From an alter-globalist viewpoint, the conflict in Norway between environmental policy and indigenous rights policy is similar in its consequences to *divide et impera* exercised by the institutionalized center against mobilization in the movement of movements. At several other localities on the earth, indigenous rights activists and environmental activists remain allies, together struggling for bio-cultural diversity and environmental justice.⁷⁸² Typically, they would have shared interests in subverting and transforming the global *dominion* of Big Oil and the so-called “War on Terror”, and the contemporary Norwegian state is eager to serve both. Norwegian alter-globalization activists ask if Norway is a state that owns an oil company, or an oil company that owns a state.⁷⁸³ In that context, it is interesting that the state has paid relatively small sums of petrodollars to employ some of the leaders of the environmental movement and the indigenous rights movement, defined them into separate policy areas, and thus facilitated an institutional competition between them, while both remain subordinate to the arch-enemy of the alter-globalization movement: the oil industry and its military-industrial complex.

Those two points of view, the governmental and the alter-globalist, do not agree. It may be that the truth lies somewhere in the middle, but it is possible to claim that about any two stand points that are presented as alternatives. It may also be that both views are equally true, given different pragmatic premises and contexts.

breaches of civil and political rights. *The UN Committee on Economic, Social and Cultural Rights* oversees the ICESCR, in parallel to the UN Human rights Committee's opinions concerning the ICCPR (Wikipedia: Committee on Economic, Social and Cultural Rights, accessed 05.03.2015), but without the possibility for individual citizens to try their cases (Cismas 2014 pp. 452-453). Similarly, at a regional level, *the European Committee of Social Rights* oversees the European Social Charter, in parallel with the European Court of Human Rights making judgments concerning the ECHR, and with the possibilities for citizens to make complaints via large NGOs (Council of Europe 2014). Finally, the Sámi of Norway, Sweden and Finland might potentially lobby for their cause within the EU system, where the European Ombudsman has some tradition for asking advice from the EU Agency for Fundamental Rights (EU Agency for Fundamental Rights 2015, European Ombudsman 2013).

(Thanks to professors Steinar Pedersen and Ciarán Burke for pointing out the need to clarify my previous statement regarding the opportunity for citizens to make complains about claimed human rights breaches.)

⁷⁸² E.g. when we pass from the “Norwegian” to the “Russian” part of the Barents Coast: Ballovara 2014

⁷⁸³ WWF Norway 2010

8.6.2 Polity transformation: the emergence of transnational district politics

The political order in the sub-Arctic fringe of Europe is being transformed. During the Cold War, the normative ideal of a Europe of States was instituted at the Western side of the Iron Curtain. After 1989, another world has become possible, but we do not yet know its name. Some tendencies clearly fit with the normative ideal of a Europe of Regions.

Before the Cold War, the sub-Arctic periphery of Finno-Scandia was struck hard by Machiavellian strife between Fascist and Leninist movements. During the Cold War, the regional geopolitics was a system in relative equilibrium: The Nordic Balance.⁷⁸⁴ The states of Fennoscandia constituted a buffer zone. Marshall Aid donated to Norway and Iceland cultivated a Westphalian power balance, and allowed a “third way” in welfare policy. However, military alliances divided the area. The Deatunu River became a boundary between two zones of influence, those of Moscow and Washington. During the Nordic balance, Norway and Finland were among the model examples of unitary nation-states, characterized by majoritarian representative democracy, consolidated state apparatuses, and Keynesian planning through state-certified money.⁷⁸⁵ After the end of the Cold War, the state centres in Oslo and Helsinki chose slightly different strategies. The small Norwegian state possesses big invested interests in offshore oil and gas fields, and to some degree in fishery banks. The Finnish state has an interest in keeping good relations with both the West and Russia. The political class in the Norwegian state is enthusiastic of globalization, and Norway has undergone a total reform of military policy, from a defensive army based on a home guard system, to a specialized army serving in NATO missions in overseas areas.⁷⁸⁶ Finland, by contrast, stays outside NATO, and its political class appears to take more pride in maintaining a clear territorial and hierarchical order, the virtues of high modernist statism. If so, then Finland has resemblances with EU member states in Eastern Europe in this regard.⁷⁸⁷ Finland has also sought close accommodation with the EU and is a full member. The political class in Oslo, by contrast, did not manage to convince the national populace to join the EU. Still Norway has become integrated in the EU Internal Market through the EEA Agreement, and also takes part in police cooperation and shared migration control through the Schengen agreement.⁷⁸⁸ Both states have adopted the regionalist mode of economic development, and the states have chosen policies for regional

⁷⁸⁴ Arter 2008:268

⁷⁸⁵ On the significance of state-certified currencies for state planning, see Hart, Laville and Cattani (eds.) 2010

⁷⁸⁶ Matlary & Østerud 2007

⁷⁸⁷ Eastern European EU member states, when compared to the Western European ones, may appear to be more centralised and less regionalised. Firstly, the EU Structural Funds included demands of centralized state control (to avoid corruption). Secondly, some recent regional units have been set up within some states, but still, the state governments are generally against internal federalisation. See Keating (2008:74-5), see also Keating 2006 and Brusis 2002. (Thanks to M.Keating and his seminar “Territorial politics in Europe”, autumn 2008, for those references.)

⁷⁸⁸ Regarding Schengen-agreement, see Mathiesen 1997

development that fit with the national geostrategic interests of each nation. Norway is a champion for *Barents Sea cooperation*, which fits well with the small state's grand interests in the sea. Finland, by contrast, has undertaken successful lobbying within the EU for the so called *Nordic Dimension*, a competitor to the *Barents Sea co-operation* pushed by Norway, and to the *Baltic Sea cooperation* pushed by Denmark.⁷⁸⁹ Finland has actually succeeded in attracting EU regional funds to the land area that lies between the Barents and Baltic Seas, which also includes the upper parts of the Deatnu River basin.⁷⁹⁰ After the cold war, the Norwegian and Finnish states found new functions, by joining clusters of regulatory states in Western European and the Circumpolar Arctic.⁷⁹¹ *Macro-regional integration* in Western Europe and the Circumpolar Arctic is an inter-governmental and even trans-governmental process. This integration has created political opportunities for *local regional integration* in smaller spaces that are subnational and transnational. Institutional infiltration between the states appears to have been a precondition for transnational regionalism at a more local level.

The *EU Strategy for the Baltic Sea Region* and the *Norwegian Barents Secretariat* are both regional development programs with a bioregional basis. Both have been roughly defined by the drainage basins of the two seas. The Baltic drainage basin is an area with high degree of human impact, especially in its southern part, which includes densely populated areas in Poland. The Barents drainage basin by contrast, is scarcely populated, but in this arctic area, the socio-ecosystem includes vulnerable natural and cultural heritage. The Barents area includes all the main habitats of reindeer on the European side of the Ural Mountains. Those habitats include several unique indigenous human cultures, such as the Sámi and the Nenets. *The Barents Secretariat* is part of the ongoing macro-regional integration in the Circumpolar Arctic. It implies better diplomatic relations between former enemies from the Cold War. For military strategists, diplomacy at the north-western edge of the "pivot area" might be seen as challenging, but nevertheless, the shared natural and cultural heritage can be an incentive for cooperation, and not only competition. *The Baltic Sea Region* is part of the ongoing European integration, though it also includes partnership between the Russian Federation and EU/EEA member states. Both the Baltic region and the Barents region imply federating relations between the well-established Russian Federation and the potential Western European Federation. Both programs are of relevance for peripheral areas of the Russian Federation on the European side of the Ural Mountains.

⁷⁸⁹ Arter 2000

⁷⁹⁰ EU Commission 2007

⁷⁹¹ Majone 1997

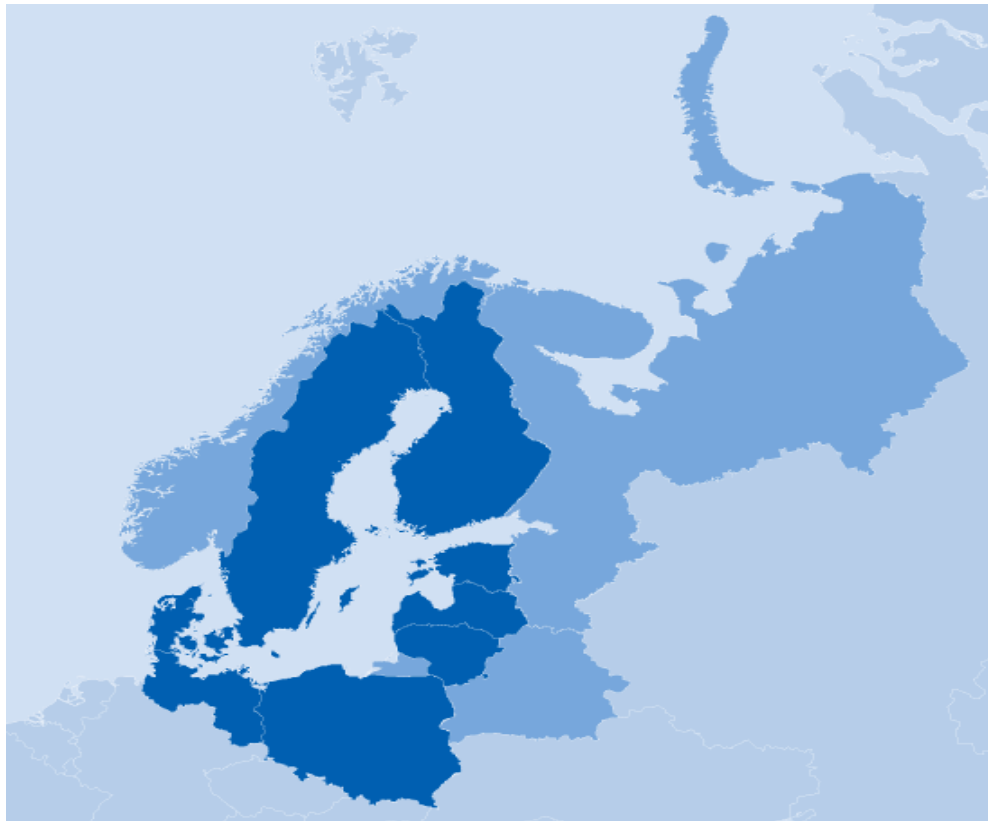
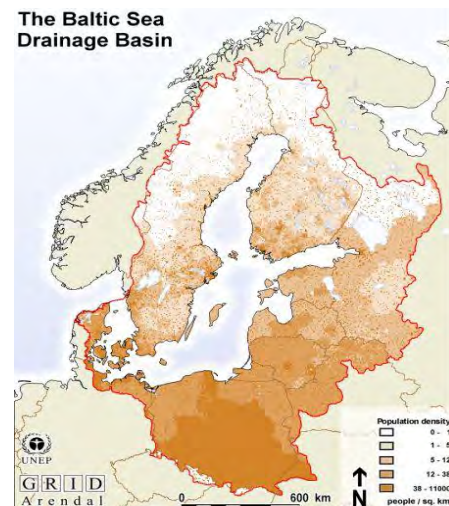
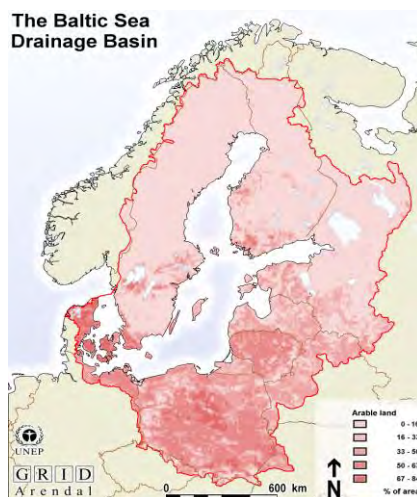


Figure 8-1: The Baltic Sea Basin as an ecologic and economic region

Top: EU regional program EUSBSR, "EU Strategy for the Baltic Sea Region"⁷⁹²
 Bottom left: Baltic Sea drainage basin as bioregion: proportions of arable land⁷⁹³
 Bottom right: Baltic Sea drainage basin as bioregion: density of human population⁷⁹⁴



⁷⁹² Source: Official website www.eu.baltic.net retrieved February 2013)

⁷⁹³ Artist: Hugo Ahlenius © UNEP/GRID Arendal 2006. http://www.grida.no/graphicslib/detail/arable-land-in-the-baltic-sea-region_bc7f (accessed 09.04.2015). Se also Baltic GIS: <http://www.grida.no/baltic/index.htm>

⁷⁹⁴ Artist: Hugo Ahlenius © UNEP/GRID Arendal 2006. http://www.grida.no/graphicslib/detail/population-density-in-the-baltic-sea-drainage-basin_bc92 (accessed 09.04.2015). Se also Baltic GIS: <http://www.grida.no/baltic/index.htm>



Figure 8-2: The Barents Sea Basin as an ecologic and economic region

Top: Regional program for Barents Sea Area: target territories of the Norwegian Barents Secretariat⁷⁹⁵
 Bottom left: Barents Sea as economic region: oil and gas fields (violet) and special bird areas (red)⁷⁹⁶
 Bottom right: Barents area as ecologic region: priority areas for nature conservation policies⁷⁹⁷



⁷⁹⁵ Source: www.barents.no retrieved February 2013)

⁷⁹⁶ Artist: Hugo Ahlenius © UNEP/GRID Arendal 2006. http://www.grida.no/graphicslib/detail/barents-sea-ecoregion-conservation-priority-areas-and-oil-and-gas-infrastructure_13c7 (accessed 09.04.2015).

⁷⁹⁷ Artist: Phillippe Rekacewicz © UNEP/GRID Arendal 2006. http://www.grida.no/graphicslib/detail/oil-and-gas-development-and-seabirds-colonies-in-the-barents-region_670b (accessed 09.04.2015).

These maps indicate plans and visions for joint regional development on the Northern fringes of Europe, between former enemies from the Cold War. Both regional initiatives have been institutionalized via relatively large programs.

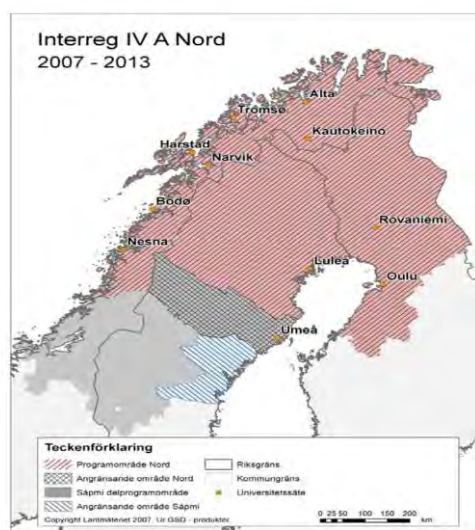


Figure 8-3: “The Nordic Dimension” as a developing region in the EU

Regional program for land areas between Barents and Baltic: EU region North – INTERREG IV A Nord⁷⁹⁸

The *EU Northern Dimension* initiative from Finland was institutionalized on a less ambitious scale, as one of the regions within the EU INTERREG development system. *INTERREG IV A Nord* is not based on bioregional premises, but is a regional development program for scarcely populated and economically underdeveloped provinces in the sub-arctic fringe of the EU – lands within the colonized Sámi areas. This regional development program has become especially relevant for Sámi and other local people in this part of Sápmi. Thus, the Northern Dimension resulted in a less spectacular program, but one with concrete utility for what Nordic states call “district politics”. On the one hand, the common European Economic Area has opened up Sámi districts for the extraction of natural resources by more centres of accumulation than ever before. On the other hand, the ongoing European integration has opened the possibilities to *expand “district politics” to transnational districts*. This was politically difficult under the Europe of States, because under that geopolitical order, Nordic state builders feared potential Sámi separatism.

The regional development efforts pushed by Finland and Norway open up new possibilities for Sámi social entrepreneurship across state boundaries. The municipalities on each side of the Deatnu River have enjoyed Interreg funding for some of their cross border collaborations.⁷⁹⁹ The large budget of the Norwegian Barents Secretariat also allocated a small sum of money for

⁷⁹⁸ Source: EU Commission 2007: 8 (from www.interregnord.com retrieved February 2013)

⁷⁹⁹ SEG group interview (focus group), Tana Bru, 08.02.2011

collaboration between Sámi at Kola Peninsula and in the Nordic countries.⁸⁰⁰ Therefore, the regional development projects targeting the sub-Arctic periphery of Europe open up opportunities for Sámi cooperation across the Sápmi homeland and the Sámi nation as a whole. This has led to a renewed fear for Sámi separatism among strongly patriotic Norwegians, expressed in the politics of the Progress Party. However, that danger is non-existent, at least as long as the Sámi political class and social entrepreneurs have access to political representation and economic development. Instead, what happens appears to be very close to an actualization of the old vision of a “Europe of Regions”. Sámi human rights activists and political entrepreneurs have grabbed the opportunity to apply project funding from the EU Interreg program and the Barents Secretariat. The political class among the Sámi nation have been at on the cutting edge of macroregional integration in the Circumpolar Arctic, by seeking to build alliances with indigenous populations in Greenland, Canada and Alaska, and later, in Siberia.⁸⁰¹ This mobilization was part of the new social movements after 1968, and simultaneously, contributed to the prefiguration of the alter-globalization movement. After bringing about reforms in international human right legislation, the indigenous movement also succeeded in pressing some state law makers to recognize the existence and significance of customary law among state-less nations.

The emerging system of watershed management in the Deatnu River valley is not the result of steering from Brussels, Oslo and Helsinki. Instead, it emerges from complex interaction among plural institution-building processes, some of whom are adversaries to each other. Initially, it was pushed by the German Green Party, which in the beginning was more of an “anti-party”, a pluralist movement. As the party became institutionalized, it also got relatively solid representation within the EU Parliament. The EU Parliament, unlike most other political organs in the union, is not an inter-governmental forum, but instead, a seat of democratic representation for all EU citizens, in direct elections that by-pass the state level. The policy-makers in the EU Parliament twinned their networks with epistemic communities represented within the European Commission, the administration of the EU. Together, those two heterogeneous networks, the Green Party and the epistemic community, propagated watershed management. Their adversary was the Council of Ministers, an inter-governmental forum, and the stronghold of statist power within the EU. Therefore, the parliamentarians chose to delay the voting for the water framework directive, until institutional reforms had been made, which granted more power to the European Parliament. Thus, the Parliament had the power to act. However, compromises had to be worked out, particularly over the social issue of water pricing.⁸⁰² After 1989, another world has become possible, but we do not

⁸⁰⁰ Interview with Hansen, Håvald, river fisher and social researcher, Tana Bru (SEG), 5. July 2012.

⁸⁰¹ Heininen & Southcott 2010

⁸⁰² Kaika 2003

yet know its name. The Europe of (sovereign) states and the Europe of (overlapping) regions are two different discourses, partly used to describe what Europe is, partly to prescribe what it should be. As normative terms, they are devised to communicate and develop hopes and promises, realize what we want. As descriptive devices, the same terms might help us to search for elements of the present actuality that resemble the order we pursue, realize what we have achieved. Both the normative and the descriptive use of the chosen term may empower the user to identify what positive tendencies to further cultivate, what potentials to actualize. Therefore, such terms help us to realize potentials, in both meanings of the world, as acknowledge and actualize. Human praxis is a dance of learning and action. In the social ecology of cultural praxis and nature praxis, reality never comes ready-made, thus realism is not to reify what one can “positively observe”. Realism is to *realize potentials*, in two meanings: on the one hand realize as getting to know, on the other hand realize as making real. Thus, there is no difference between pragmatism, instrumentalism and realism. Political realism is to *realize potentials, cognitively and practically*. Machiavelli would call it the *Virtù* of transforming *Fortuna*. There is no other political science.

8.7.0 Summing up: constituent praxes and constituted order

In this chapter we have identified some particular *micropolitical relations* between the two case studies, through a historical-geographical process tracing of some particular pathways through the actual networks of socio-material praxes. We have also mapped some particular *macropolitical formations* that have emerged in the geographical environment of our two chosen water areas, during the historical period that has passed from the past case to the present case.

Micro-political relations – constituent praxes: In line with geographical conventions, I investigated how those networks interacted with conditions of physical geography, bio-geography and cultural geography, or in other words, the abiotic, biotic and human factors. I identified complex interactions between the practice networks and each of those explanatory factors. Thus, it was demonstrated that Elinor Ostrom's Socio-Ecological System (SES) can be a useful model in order to make sense of this *topical complexity* between causal factors, but also that there is a *spatial complexity* between the various SESs, which is also in line with Ostrom's *polycentric* model of political ecology.⁸⁰³

However, we also included a meta-scientific process tracing that is alien to Ostrom's

⁸⁰³ See McGinnis & Ostrom 2012 for the latest “official release” of the SES framework

terminology. On the one hand, the geographical opportunity structure appears to be co-determined by abiotic, biotic and human conditions. On the other hand, however, knowledge about those environmental conditions is limited. Empirical research is being conducted on relevant abiotic, biotic and human factors in this environment, particularly by salmon biologists and legal historians. However, there is a scarcity of resources accessible to help this endeavor to overcome the scarcity of knowledge. Research priorities are an object of contention. The institutionalization of environmental policies and indigenous rights implies a specific political economy of the relevant transnational epistemic communities. State-certified salmon biology deals pragmatically with national economic interests as the state governments define them, whereas this systemic bias is not countered by any bio-scientific research funded by organizations for small-scale fisheries or indigenous rights. On the other hand, the Sámi historians that were funded by the Sámi Rights Commission have made significant progress in documenting the colonial history of Sápmi and the continuous practice of local norms and lore. However, those historiographical developments are disseminated mostly through Sámi schools and Sámi media, and thus, most members of the state-building nations remain ignorant of the colonial history of their own nations. Those empirical observations regarding the practical conditions of empirical knowledge actualize the relevance of Science and Technology Studies (STS). However, my selected approach is *not* based on Latour and Callon's approach, even though they trace networks of socio-material praxes. Instead, I have applied a radical feminist version of STS, advocated by Haraway and Stengers. The latter author calls for a “democratization of the sciences”.⁸⁰⁴ I have identified some collective actors pushing for such democratization of the sciences, particularly the Nordic Sámiráddi. This spreads information on the colonial history of Sápmi. It also advocates that natural resources management should take into account the indigenous human rights, as well as issues of bio-cultural diversity, both in line with the UN Biodiversity Convention. Those efforts of the Sámiráddi and others, we identified as the regional contingent of a transnational environmental justice movement. Regardless of intentions, the functional effect of Sámiráddi may be to facilitate convergence between dispersed social movements, which is an intended goal for some theorists of the transnational environmental justice movement.⁸⁰⁵

Macro-political formations – constituted order: Large-scale patterns in the political environment were studied by sketching a map on the basis of secondary literature and public policy documents.

First, I reviewed some relevant political research on *policy adaptation* in response to environmental and indigenous mobilization. Norway and Finland were examined, being the two

⁸⁰⁴ Stengers 1999 (1997)

⁸⁰⁵ See e.g. Bailey & Mattei 2012 for one example

states of direct relevance for the Deatnu and Alta Rivers. The emphasis was on the Norwegian polity. This was for methodological reasons, since the researcher, as a Norwegian, has a better contextual understanding of this nation. The emphasis was on discussions regarding John Dryzek's critical approach to Nordic "inclusive" associationalism, emphasizing its co-optative function rather than its democratizing function. In the territory where Norway and Sápmi overlap, it was suggested that the co-optation of environmental and indigenous claims into separate policy areas produced a division within the social movements, which in turn made them easier to dominate. Thus, regardless of intentions, this process *functions as a mechanism of divide et impera* between environmental and indigenous movements. This political tendency produced by the poly-centric co-optative state is *contrary to* the political tendency pushed by the *environmental justice movement*. Thus, the review of *policy adaptation* revealed antagonism between a mechanism of *divide et impera* and a mechanism of *environmental justice convergence*.

However, the review of *polity transformation* that followed revealed a quite different tendency. It was shown how the emergence of transnational regional development programs open up new spaces for socio-economic development within *actual trans-boundary socio-ecosystems*. Thus, programs like the Barents Region, the Baltic Region, and, in particular, the EU-INTERREG IV A Nord, have opened opportunities to expand what Nordic countries know as "district politics" beyond state borders. Thus, the Europe of Regions enables *transnational district politics* in trans-boundary socio-ecosystems that were previously suppressed by the Nordic nation-states. Transnational district politics appears to interact in an ambiguous way with the *environmental justice movement*, because it may offer opportunities to overcome *divide et impera*, at least for those who emerge from the spatial divisions of socio-ecosystems. At the same time, district politics, like other praxes in Nordic political culture, may serve one function of co-optation, and another function of empowerment. By applying a relational concept of power, Finnish political scientists have interpreted Finnish Communalism as an ambiguous relationship between local communities and the central state, while Norwegian political scientists have revealed how some bureaucrats and policy-researchers approach Local Agenda 21 in a way where participation has become a way to silence the voice of the population.⁸⁰⁶ Likewise, the Norwegian political anthropologist Halvard Vike has shown how municipal politics in inner Southern Norway is an arena for political struggles between top-down and bottom-up initiatives.⁸⁰⁷

Summa summarum, we have identified some indicators of ambiguous interactions between micro-political relations and macro-political formations. The *mechanism of divide et impera* has been at work by accommodating the claims of social movement into separate policy areas, but also

⁸⁰⁶ Bregnballe 2005; Bregnballe 2007; Johansson 1990

⁸⁰⁷ Vike 2009

by practicing a district politics that was geographically limited by nation-state borders. Both mechanisms have contributed to *reproducing the dividing and conquering* within the *transnational socio-ecosystems* of in the Sápmi region. Divisions are reproduced in the organization of bio-scientific and cultural historical research in the Sápmi area, and knowledge-production remains divided and conquered under the division between policy areas and state territories. However, the mechanism of *convergence between locally based movements* is at work when the Nordic Sámiráđđi and other locally based groups take action for environmental justice. This includes pushing to disseminate knowledge to the public, shaping the agenda setting for scientific research, and overcoming the divisions between policy areas and state territories. The *convergence of environmental justice movements* interacts with an *emergence of transnational district politics*. This ongoing polity transformation opens up some possibilities to overcome spatial dividing and conquering in the transnational socio-ecosystem in Sápmi, while the topical division between policy areas remains a target of protest from the environmental justice movement.

8.8.0 Negative and positive findings in the bridge chapter

8.8.1 Negative findings: some possible errors in the geographical bridge

The historical bridge chapter has methodological challenges similar to those of Case I, as both study recent history, using historical research methods. This chapter is shorter than Case I, but suffers from some similar spatial biases. Firstly, I have not been able, within the frame of this thesis, to trace the related policy process at the UN level in the 1980s and 1990s. I have the sources necessary to sketch such a historiography, but those need to be coded and analysed. Secondly, it would be relevant to explain processes within those two adjacent watersheds in the context of parallel processes within the adjacent watersheds, such as Pasvik. One would probably find joint causal processes not only between the Alta and Deatnu watersheds. There would probably also be causal connections to exogenous local histories. Additionally, the few processes that I have traced within the two selected water areas have also been rather arbitrarily chosen, so there could be a need for a “thicker” description of those endogenous processes as well. I cannot see any colonial bias implicit in the two latter issues. Those appear to me as being a result of the arbitrariness of fieldwork methods. However, the first-mentioned issue, namely the lack of information about the policy process at UN level, can be seen as a reproduction of nationalist bias, or alternatively of regionalist biases. At the very least, I am conscious and explicit that this information is *lacking*.

Suggestions for further research: Regarding the constitutional changes in the Alta and Deatnu water areas, it would be publically relevant to inquire into further questions. I will suggest:

a) To explain constitutional change in the Alta and Deatnu water areas, it would also be necessary to trace more of the particular praxis nets that link the historical Alta-dam case to the contemporary Deatnu River, and trace how those interact with transnational policy processes in the UN, national policy processes in the two host states, as well as other local struggles in adjacent water areas.

b) To explain the enactment of §110a of the Norwegian Constitution in 1988, the Finnmark Act from 2005, and the parallel legal changes under the Finnish host state, one would have to trace the relevant policy processes at UN level during the 1980s and 90s. Gaining access to participant observation among diplomats is a challenging task.⁸⁰⁸ However, one could use secondary works written by Henry Minde, James Anaya and others, who have gathered primary data from diplomats, Norwegian and Sámi as well as others⁸⁰⁹. Some relevant methodological and theoretical tools to this end were developed in studies of international human rights law.⁸¹⁰

c) For the same purpose, it would also be necessary to trace some of the relevant struggles in watersheds adjacent to the Alta and Deatnu, such as the Torne, Neiden and Pasvik. The latter of those rivers is shared between Norwegian, Finnish and Russian Sápmi. This would actualize the politics of the Russian Federation as a more immediately relevant context. More knowledge about the politics of these rivers would also be relevant as exogenous factors to explain politics in Alta and Deatnu Rivers.

8.8.2 Positive findings: “the struggle for agenda-setting”, a possible meso-mechanism

On the basis of this geographical bridge chapter, and in spite of the negative findings reviewed above, one possible mechanism can be suggested. The chapter also put me on the track of other processes, but did not provide enough information to formulate a mechanism regarding these.

Struggle for agenda-setting: This geographical bridge chapter has linked the long term outcome of the Alta-dam conflict to the emergence of bio-regional management of the Deatnu River. This chapter indicates another form of struggle about norms and knowledge. While Case I revealed a struggle for the *capacity to define the already existing* constitutional norms and scientific standards of the state, the geographical bridge revealed similar struggles about the capacity to *set the agenda* for future policy making and future scientific inquiry. The chapter traced some of the

⁸⁰⁸ Neumann 2009

⁸⁰⁹ See Minde 1980, 1984, 1993, 1996, 2001, 2007, 2003a, 2003b, 2005b. (Thanks to Henry Minde for sharing copies of his articles.) See also Anaya 2004, as well as Minde, Eide & Åhrén 2007.

⁸¹⁰ Riles 2001; Keck & Sikkink 1998 (Thanks to Gro Ween for the former reference, and to Paul Routledge for the latter one.)

particular pathways that together had an impact on long-term changes that took place after the Alta-dam controversy (Case I), and also influenced the emergence of bioregional management in the Deatnu water area (Case II). The geographical bridge traced several paths, within several policy areas or scientific disciplines.

Table 8-2: *One meso-mechanism observed in the geographical bridge*

<i>Struggle for future agenda-setting (meso-mechanism, geographical bridge)</i>
i. struggle for agenda-setting (within state-certified policy making and scientific inquiry)
ii. divergent practical realities with different socio-material locations (in bureaucracy, landscape)
iii. divergent research & teaching priorities within disciplines (bio indicators, hist syllabus)

Path i): The common denominator for all of those was that various interest groups from the Alta and Deatnu areas congregated in broad social movement coalitions, in order to influence agenda-setting within various policy areas and various scientific disciplines. It seems to me that the particular micro-meso links are the same as those described in Case I: the twinning of issue networks, where joint action leads to the expansion of organizational networks, and the re-definition of more unifying issues. At each moment of issue network twinning, there is a translation from one intersubjective framing to another. During this process, something might be lost in translation, and internal minorities may become silenced, while something else may be gained in the same translation, expanding the scope of networked coalitions. By this process of frame resonance and/or internal hegemony, issue nets may broaden their scope of action, become constituent issue nets, and twin with already constituted policy nets. In Case I, it was observed how they may cross the threshold from micro-meso to meso-macro, and constitute agonistic historical blocs, competing to define the actual norms that regulate policy and research. In the geographical bridge, by contrast, I have not observed the formation of any socially potent historical blocs, but only an open-ended struggle towards a capacity for future agenda-setting. Thus, the open-ended struggle for agenda setting, though it remains unfinished, is one of the ways whereby the state, or the formal norms of the governance system (Explanandum), co-evolves with the rest of the social ecological system, that is, the resource system plus the informal norms of the governance system (Explanans 1). Thus, the struggle to set the agenda is one of the meso-mechanisms that may explain the mutual causal inference between Explanans 1 and Explanandum (i).

Path ii): Since the struggle not only included agenda-setting for policy-making, but also for the direction of scientific inquiry, this process interacted with changes in the collectively unknown, Explanans 2. With regard to the link between Explanans 1 and the interacting Explanans 2, it is

interesting that the geographical bridge indicates that divergent practical realities are found between different socio-material positions within the bureaucracy, not only, as with Case I, divergent location in the local landscape ecology. This finding is similar to those who observe that real organizations do not conform to Weber's ideal type of bureaucracy, but are full of informal ties as well. Thus, the empirical experiences of practical reality are *situated*, regardless of whether those action situations are situated within “local community” or in “state bureaucracy”. Both are constituted orders, and in terms of state laws, they are treated quite differently, but they still have sociological common denominators. As Keith Hart points out in an anthology edited by Elinor Ostrom:⁸¹¹ it is misleading to assume that bureaucracy only follows formal laws (as in Weber's ideal type) and it is also misleading to assume that community only follows informal customs (as in Tönnies idea of *Gemeinschaft*). Instead, both of them include both formal and informal rules. This insight from the SES framework can be supplemented with observations from ANT. The latter school developed when social researchers turned the ethnographic gaze away from assumedly “traditional” communities, and instead used it to dissect assumedly “modern” institutions: epistemic science, capitalist markets, and bureaucratic states.⁸¹² In sum, I confirm the experiences of SES and ANT when I observe that collective knowledge and collective ignorance seem to be situated not only at various nodes in the kinship network, but also at various nodes within the policy network (ii).

Path iii): Consequently, the link between state-certified sciences (Explanandum) and the unknown (Explanans 2) also imply that science practices are situated, bounded and limited, just like local knowledges. The case of Laboratory Deatnu indicates that *bio-scientific monitoring systems* are accused of *biased priorities*, while *historical syllabi* reproduce ignorance from *colonial historiography* among most school children in the host states of Sápmi. I do not contest that the methods of hard science are reliable. I do not even contest that the methods of historical research are reliable. The point is not the method (if the method is properly done), but how one chooses to use it: *whose research questions* to pose, *whose data* to use, *whose practical relevance* to serve. That is where the struggle for agenda-setting comes in. Isabelle Stengers described it as a social struggle for democratization of the sciences (iii).⁸¹³

Divide and conquer? This chapter has also put me onto the track of another possible meso-mechanism, but within the limits of this thesis, I cannot articulate it into a clear hypothetical mechanism. In the comparative politics section of the present chapter, I undertook a meta-analysis

⁸¹¹ Hart 2006 (see also Hann & Hart 2011: 88-93 regarding the work of Elinor Ostrom)

⁸¹² Lien 1997; Asdal 2011; Latour 2004; Latour & Woolgar 1979

⁸¹³ Stengers 1999 (1997)

of existing studies on how some claims from the new social movements were accommodated / co-opted within two separate states, namely Norway and Finland, and within two separate policy areas, namely environmental protection and indigenous rights. Such territorial and administrative divisions may be convenient for bureaucratic states, but in this chapter I have argued that those divisions are against the interests of environmental justice movements, including indigenous human rights movements. If Dryzek, Bregnballe, Johansson and others are correct to regard political inclusion in the Nordic states as *co-optation* rather than accommodation,⁸¹⁴ then the *territorial and administrative divisions* may serve the function of *dividing and conquering* the movements. When I suggest this, I do not imply any conspiracy theory. This social function may be a more or less unintended consequence of more or less well-intended reforms.

In the sociological analysis of the Alta-dam conflict (Chapter 6), I mapped a cleavage structure where local subalterns within the Alta watershed found themselves on each side of a political split where different subaltern groups in different locations were dependent on competing elite networks. The split between NSR and SLF may have been particularly weakening for the subaltern interests during the Alta-dam conflict.

During the epilogue after the Alta-dam conflict the informal and formal constitutional process continued at multiple levels, but the fronts would shift in the contexts of the watersheds and the states. The present chapter traced some of the particular causal paths during that process. It appears to me that SLF and NSR would become less alienated from each other, and instead adapt to each other, developing two complimentary strategies. However, during the same years, it appears to me that a split emerged between the issue networks for indigenous rights and environmental protection. This is a clear impression that I have after fieldwork, but I do not have any probabilistic data to document such a generalising statement. Sometimes I also have the impression that accommodation / co-optation under separate state formations may imply some degree of split between indigenous rights organizations subjugated to different states. However, the latter is something I have not researched systematically.

To make sense of such processes we may use categories suggested by Paul Pedersen and Asle Høgmo in a recent book, *Sápmi Strikes Back*. Observing political action in local communities, they distinguish between “polarizing issue areas” and “integrating issue areas”.⁸¹⁵ They find this conceptual distinction particularly fruitful in areas such as the fjord that the Norwegians call Kåfjord, while the Kväns call it Kaavuono and the Northern Sámi refer to it as Njoammelgohppi. One and the same location is experienced as a different place by different segments of the local population, each of them communicating in a different language. Some political issues, such as

⁸¹⁴ Johansson 1990:157; Bregnballe 2005; Bregnballe 2009; Dryzek et al. 2003

⁸¹⁵ Pedersen & Høgmo 2012: 23

school politics, have split the local population along socio-linguistic lines. These are “polarizing issue areas”. Other political issues, such as natural resources management, have unified the local population against a common adversary. Those are “integrating issue areas”. In my opinion, however, “integrating issue areas” is another way of saying *joint struggle*; while “polarizing issue areas” may be a euphemism for *divide et impera*.

1. *Joint struggle*, or “integrating issue areas”, may refer to the process of issue network twinning, whereby social movements take joint action, broaden the scope of their activity, and take it to a wider scale.
2. *Divide et impera*, or “polarizing issue areas”, may describe cleavages that split issue groups that could potentially have common interests, such as the NSR against the SLF during the Alta-dam conflict, or the indigenous rights issue net against the environmental protection issue net in the aftermath of that conflict.

Those may be two different mechanisms of coalition formation within issue networks, kinship networks, and policy networks, and indeed when they all are intertwined. Such processes have been particularly well researched with regard to kinship networks, but I think the findings may have transfer value to issue networks and policy networks as well. Conducting fieldwork among the indigenous Amazigh (Berbers) in Mahgreb, Ernst Gellner observed an interesting gap between preaching and practice. Local tribes had adapted a famous Semitic proverb "Me against my brother, my brother and I against my cousin, my cousin and I against the stranger." This is similar to the process of joint resistance or issue network twinning. However, this norm did not correspond with the actual practice. Gellner described it as "My cousin and I against my brother, the stranger and I against the whole lot of my horse-thieving relatives."⁸¹⁶ This is similar to the process of dividing and conquering. The “stranger” in this context may very well be the Arab or French colonizer, while the “horse-thieving relatives” are fellow indigenous Imazighen. James Scott even goes as far as to suggest that whatever may appear as the “tribal” type of political organization actually are the structures that typically emerge in formerly egalitarian communities as a result of colonialist intervention.⁸¹⁷ Scott may or may not be exaggerating, but political anthropologists in the colonial era certainly did not pay sufficient attention to the colonial powers that paid them.⁸¹⁸ There is no

⁸¹⁶ Gellner, 1969, cited in Geertz 1971

⁸¹⁷ Scott 2009: 259

⁸¹⁸ Recent research on political life at the Horn of Africa (Hutchinson 1996; McGinnis 1999) has led to fundamental rethinking of a paradigmatic work in political anthropology (Evans-Pritchard 1940). The recent generation of researchers have turned their attention to the actual cultural and political complexities between different social and ecological systems, including interdependencies between former colonizing states and former colonial powers. *Ethnography itself* has traditionally been undertaken by experts from the colonial power, who utilized the organizational resources of the same colonial power, in order to access the colonized society. Evans-Pritchard portrayed the stateless political system among the Nuer *as if* it was a static system in relative autonomy from the European colonial powers, and thus, he drew attention away from the actual interdependencies, including the actual symbiosis between ethnography and policy. Consequently, his paradigmatic work *The Nuer* is quite as interesting for

doubt that *divide et impera* is a mechanism that does intervene with tribal organizations, from Caesar among the “barbarians” (or Berbers), and onwards. However, I would suggest that this mechanism is *not only* relevant to *kinship networks*, but *also* to *issue networks*, and *even* to *policy networks*. During the Alta-dam conflict, the policy network under the corporatist state became split between the Ministry of Industry, under the command of the pro-dam bloc, and the Ministry of the Environment, which had informal ties to the anti-dam bloc. This split weakened the corporatist construction built by the more or less liberal nationalists. In the aftermath of the conflict, the issue network of the new social movements appears to have become split within my selected watersheds and states, when claims were accommodated/co-opted as separate administrative areas under separated territorial states. This split weakened the environmental justice movements. *Divide et impera* is a mechanism of dis-empowerment, in contrast to network twinning as a mechanism of empowerment. However, it might be useful for subaltern groups to inquire how this mechanism works, both in order to avoid split among one's own kinship networks and issue networks, but also to utilize potential splits in the policy networks. Nevertheless, I will not elaborate this particular mechanism theoretically, with regard to paths i, ii and iii. That may be a task for further research.

9.0.0 DEATNU RIVER AND FJORD 2005-2012: POLITICAL SCIENCE

9.1.0 Case II: fisheries in the Deatnu water area 2005-2012

The Deatnu River and Fjord are rich in natural and cultural heritage. The river's tributaries drain water from the heart of Inner Sápmi, and it empties into a fjord with particularly vital Coastal Sámi culture. Since times immemorial, the local population has lived off the resources of the river, including one of the world's most bio-diverse stocks of Atlantic salmon (*Salmo Salar*). When the salmon spawns, it returns from its migrations in the ocean, and each individual swims upstream to the particular river hole where it was once hatched. Erosion and human activities make the river change constantly, and salmonids are highly adaptable species. Since times immemorial, the Deatnu salmon stocks have co-evolved with Sámi customary praxes and knowledge praxes. The salmon stock is a common-pool resource for the humans who live off it. However, the relatively recent introduction of *state politics* has created new challenges for natural resource management in the Deatnu River and Fjord. This grand drainage basin is shared between two states, namely Norway and Finland. The sustainable management of the shared natural and cultural heritage has been hampered whenever the state governments have pursued unilateral paths towards perceived “national” interests. In the Deatnu River and Fjord, the practical management of common pool resources actualizes the need for knowledge, and these practical challenges render methodological nationalism and statism impotent. For example, a salmon biologist told me that some journalists had tried to measure increasing overtaxation of the salmon resources by using data only from Statistics Norway, but without data from Statistics Finland, they missed the actual number of (registered) annual catch of Atlantic salmon in the Deatnu watershed.⁸¹⁹ This logical flaw is structurally equivalent to the tendency to reify certain normative concepts of citizenship and sovereignty, discussed in chapters 2.2.0 and 3.2.0. I conducted political fieldwork along the Deatnu River and Fjord, through four visits from 2010 until 2012. I had been there previously, in 2007, when I attended training in indigenous forms of conflict management at Inner Finnmark District Court. That experience set the tone for the following four field visits, all of which revolved around issues of restorative justice in a river shared between two states, but three nations. I combined different traditions of fieldwork research, resulting in three chapters with rather different forms.

Chapter 9, the present one, provides a panorama of the ongoing attempt to establish a

⁸¹⁹ Interview with fishery biologist Johnson, Kjell-Magne, at LBT information meeting, Tana Hotel, 07.02.2011

bioregional “management regime” across state boundaries. This study is a “policy analysis”, and most of the data consist of public planning documents. Here, I have undertaken fieldwork according to the tradition of political scientists. To trace policy processes within “multilevel network governance” is a conventional approach within EU research.⁸²⁰ I remain under-informed about how this would fit into the Finnish political science, but in Norwegian state science, it is in line with Eva Josefsen's pioneering study on how Sámi people all over Sápmi may influence the policy processes in each of the four states.⁸²¹ This approach is effective for the purpose of studying the emergence of formal norms with formal jurisdiction over a territory at large. However, it is impotent in tracing local ambiguities or informal norms.

Chapter 10 digs deeper into the social conflicts. The analysis of policy documents here is combined with qualitative interviews with persons located at interesting junctures in the local policy networks. I returned to Inner Finnmark District Court, and from there I started to trace the on-going struggle for rights and proofs. Thus, I myself started to uncover proofs that have practical consequences for the very struggle for rights and proofs that I observe. Thus, this is a specific form of political sociology, using a grounded theory approach for systematic interpretation of data. This approach to political fieldwork proves effective to inquire about the politics of knowledge, but data gathered through qualitative interviews remain limited to the “front-stage” of social life.

Chapter 11, therefore, digs even deeper into the social conflicts. In order to gain some glimpses from the “back-stage” of social life, I decided that I had to concentrate on gaining more data from participant observation, and to apply more coding concepts from political anthropology. Thus, I chose to return to the field during the summer of 2012, for a fourth visit. I zoomed in on a rather fine-grained level of detail in the politics of everyday life, gaining some samples from socio-material interactions at the fishing location, at the quay, at the laboratory, at the kitchen, etc. Those are action situations at “an operational level” in the SES framework. But as Elinor Ostrom and Keith Hart argue: those are locations that matter for the socio-material (re)production of informal norms.⁸²² Here I identified repertoires of public participation, or reformist tactics, but also repertoires that seemed to me as constituting forms of political resistance, or autonomous tactics. However, I learned that the latter is locally perceived as conformist practice, and absolutely not as radicalism. This put me on the track of the non-state, the contemporary reminiscent of the ancient *siida*-system, the *de facto* legal and jurisdictional pluralism of Sámi areas. However, this will only be discussed in Chapter 11.

Those three chapters, each with its own approach to political fieldwork, provide

⁸²⁰ Pollack 2010

⁸²¹ Josefsen 2007

⁸²² Ostrom 2005:53-2; Hart 2006

complimentary forms of information. The political science of policy processes (Chapter 9) is limited to formal policies, but within that limitation it allows for a rather wide geographical scope. The political sociology of grounded theory (Chapter 10) enables observation of asymmetrical power and ideological biases, but it has traditionally operated within the high modernist assumption that (civil) society, (state) politics and (market) economy are relatively autonomous spheres. The political anthropology regarding the politics of everyday life (Chapter 11) is an approach that traditionally traces the circulation of praxes and artifacts between particular and heterogeneous action situations. In sum, the three approaches are complimentary: Chapter 9 zooms out on a wide panorama with rather thin information, Chapter 11 zooms in for a close focus with rather rich information, and Chapter 10 gives a viewpoint from within a system of asymmetrical power relations. Together they constitute Case II for this research on state transformation in the high north. *However*, Case II remains limited by the path dependent reproduction of colonial biases. Even though I have applied three complimentary approaches to political fieldwork, I have also discovered that there are lots of highly relevant issues that remain under-researched, in the literature at large, as well as in my own particular contribution. One such limitation is the *material stickiness of nationally integrated intersubjective framings* (or perceptive schemata, or discursive formations). My own formation provides specific linguistic skills and contextual knowledge that render me over-informed about the Norwegian national context, but under-informed about the *entangled national contexts* in Finland and Sápmi. Another such limitation is the lack of relevant biological data from beyond the local drainage basin. For local fisher-peasants in the Deatnu area, it would be relevant to know how much of the local salmon stock is being caught by *larger vessels in the open sea*. However, this would be less interesting to know for the owners of such vessels, and those have a stronger impact on the policies of Norwegian and Russian fishery management. Those are profound limitations to our collective knowledge, which imply political biases. It is beyond my competence to do anything about bias in fishery biology. In my own political research I have tried to handle nationalist bias in two ways: Firstly, in Chapter 9, I have kept my focus on trans-boundary “management regimes”, not particular states. Thus I try to contribute to the prefiguration of a future contextual knowledge with less nationalist bias. Secondly, in Chapters 10 and 11, I have zoomed in on one particular part of the Deatnu water area that is subject to the same state where I myself belong. Thus I try to take the consequence of the actual limitations imposed by the actual lack of non-nationalist knowledge about the political context. At the end of Chapter 9, those limitations are discussed in more detail with regard to research on the Deatnu water area as a whole (river and fjord). At the end of Chapter 11, I discuss similar biases with regard to research on the more particular Deatnu Fjord. Chapter 11 also concludes with hypotheses about some particular explanatory mechanisms.

9.2.0 Chapter introduction: two political experiments

9.2.1 Political science and practice: from nationalism to bio-regionalism

The national interest of each nation-state is *particularistic*, while the natural and cultural heritage is a local and global *common*. This dilemma becomes especially visible in trans-boundary regions, such as the lands and waters of the indigenous Sápmi homeland. Ongoing state transformation in the Alta and Deatnu watersheds may be explained as a process of gradual ecological adaptation whereby state builders adapt to the factual ecological and sociological complexity of the Sápmi region. This thesis is an attempt to trace some of the particular causal paths of this adaptive process. Potential trans-boundary nature management regimes are emerging. The geographical overview (Chapter 5) zoomed out to sketch a rough general overview with a low degree of specificity. The geographical bridge (Chapter 8) zoomed in, to provide a close-up of selected causal links, with a high degree of specificity, but a low degree of generality.

With the present chapter, the time is ripe to be more concrete about the specific institutional innovations or ongoing political experiments with bio-regional management. This chapter will operate at macro-level, observing the consequences of two particular institutional innovations for one watershed as a whole: the Deatnu River and the Deatnu Fjord. However, unlike in the geographical introduction, I will now choose a more narrow topical limitation, namely: *formal institutions*. The cost is that it is a rather limited topical limitation: it ignores the rich plurality of *informal rules* in the *actual* nature governance system. The gain, however, is that such limited *thematic scope* (topology) allows the researcher to trace practices that apply to a wider *geographical scope* (topography). These are the costs and gains of traditional political science (which is usually limited to formal rules), in contrast to traditional political sociology or political anthropology (which deal more with informal rules).

Two ongoing geopolitical experiments may potentially have large consequences for the future politics of socio-ecosystems in the Alta and Deatnu water areas. Both experiments may lead to increased bioregionalism, and both may either lead to increased participatory democracy, or to increased technocratic opacity. *The Finnmark Act* has not received much attention in European political science, but is hotly debated in the region. Thus, it is an object of informal democratic deliberation. The *EU Water Framework Directive* (EU-WFD) is far from under-researched by European political scientists, but few local people have any idea that it is being implemented in the Alta and Deatnu water areas. Still, both experiments have the potential for increased participatory democracy as well as increased technocratic opacity. The outcome of both experiments is open. Both experiments should be traced if we are to understand the transformation if the geopolitical

environment of the Alta and Deatnu watersheds.

From national(ist) to bioregionalist democratization: There are *two ways* whereby this study actualizes Elinor Ostrom's concept of a “Socio-Ecological System” (SES). *Firstly*, I have already chosen (in Chapter 5) to delimit the scope of my study to two particular bio-regions, namely the Alta and Deatnu watersheds. Bioregionalism is a *descriptive premise* for my own description. *Secondly*, the ongoing institutional innovations, such as The Finnmark Act and the EU-FD are informed by an ideal of bio-regional management. Bioregionalism is a *prescriptive premise* for some of the transformative practices I describe. It might seem slightly tautological that my study has already *taken as a premise* the bioregionalist approach *that is also* the basis of the Water Framework Directive and the Finnmark Act. This is because I am an organic intellectual of bioregional democratization, like Stein Rokkan was an organic intellectual of national(ist) democratization. In the previous generation, Rokkan was an organic intellectual of national democracy, and thus he chose to trace how nation-builders succeeded in producing (virtually) unified (uni)national states. In the present generation, Ostrom has been an organic intellectual of further democratisation, beyond the ethnocentric limitations of (uni)national states. I continue in the same direction, by being an organic intellectual of bioregional democratization. Like Rokkan traced the relative success of nation-builders in the previous generation, I inquire as to the relative success of nation-re-builders in the present generation. Nation-builders in the previous generation produced political science within the limits of methodological nationalism and statism. Nation-re-builders of the present generation have expanded the limits of political science, by taking social-ecological systems as the analytical systems boundaries.

Seize the means of knowledge production: Political research in areas where Norway and Sápmi overlap is paradigmatically and politically split between an “old school” of state-centred state scientists (*statsvitere*) and a “new school” of researchers who turn their focus to customary praxes and knowledge praxes in complex multi-level environments. This was described in Chapter 2. However, I have observed one significant exception from this trend, which deserves to be mentioned. Eva Josefsen is a Norwegian state scientist (*statsviter*), but she also is an indigenous Sámi. She has pioneered research on *state science in cross-boundary regions*. In a journal for indigenous rights, *Gáldu Čála*, she published research on the possibilities for Sámi people to influence the state policy processes in each of the four states that have divided and conquered the

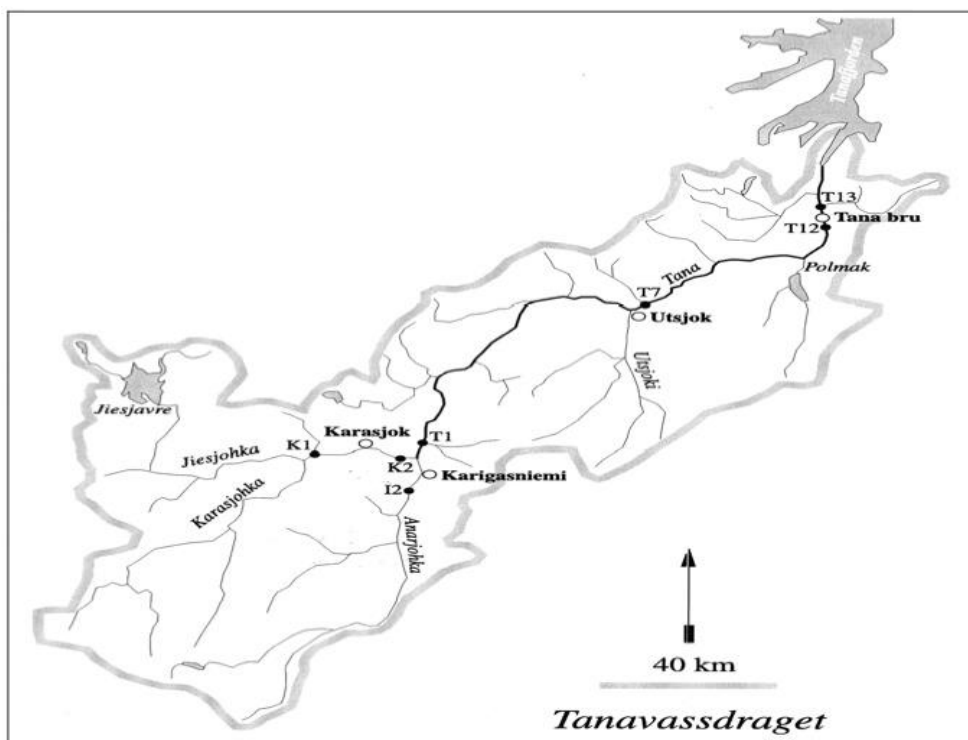


Figure 9-1: The Deatnu Water Area

Left: The Deatnu watershed (No: Tana, Fi: Teno), with locations for test of pollutants. The map excludes the coastal watershed Deanudat (No: Tana Fjord), which also is part of the administrative water area Deatnu/Teno/Tana under the EU-WFD.⁸²³

Right: The three main municipalities in the Deatnu watershed: Tana (Deatnu), and Krasjok (Kárášjohka) at the "Norwegian" side, Utsjoki (Ohcejohka) at the "Finnish" side. The map shows the main river, the main roads, plus local administrative hubs. Notably, the municipal borders do not coincide completely with the extension of the Deatnu watershed. Some significant parts of the Anarjohka tributary are shared with municipalities Kautokeino (Guovdageaidnu) at the "Norwegian" side and Inari (Anár) at the "Finnish" side.⁸²⁴



⁸²³ Map source: © Finnmark County Municipality 2009: 38

⁸²⁴ Artist: © Minna Saataimoinen, map source: Solbakk 2011: 13

Sápmi area.⁸²⁵ Here she identifies several direct and indirect channels of political influence, and she discusses how the states relate to the work towards a shared Nordic Sámi Convention. The latter is a main priority for the Nordic *Sámiráđđi*, an international non-governmental organization funded by the intergovernmental organization the Nordic Council.⁸²⁶ Thus, Josefsen asks new research questions that have direct utility for indigenous people in Sápmi. They need to coordinate across the state-boundaries, in order to empower themselves against *divide et impera*, against the actual separatism of the existing states. Josefsen seizes control of some particular means of knowledge-production. Those means were originally developed to fit the practical needs of ethnocentric national democracy. However, she turns it against those nationalist biases. Josefsen makes state science relevant for restorative justice.

In the present chapter, I follow Josefsen's example. State science is a traditionalist form of political science. It has clear limitations, with its one-sided focus on formal rules. That includes the politics of state laws and policy networks. However, it excludes the politics of international soft law and emerging issue networks. It also excludes the politics of longstanding customs and kinship networks. Still, in spite of these strict limitations, Josefsen has demonstrated that state science can be turned against the ethnocentric biases of institutionalized national(ist) democracy, and thus become instrumental for restorative justice.

9.2.2 The EU Water Framework Directive (EU-WFD)

The EU Water Framework Directive (EU-WFD) has been relevant for the Deatnu River since it was enacted by the EU in 2000, and it has been relevant for the Alta River since 2006, when the directive was expanded to the EEA.⁸²⁷ The main purposes are threefold:

- a) territorial administration of water resources should be based on drainage basins rather than political boundaries,
- b) all policies with regard to the water management in the area should be coordinated, regardless of administrative divisions in policy areas, and
- c) local civil society should be actively involved in the management of the waters in their habitat; the local environment of their own local livelihood.

In the beginning, the directive applied to rivers, but it was expanded to coastal salt waters. The goal is to maintain “good water quality”, a broad index that includes pollution, but also biodiversity.

⁸²⁵ Josefsen 2007

⁸²⁶ Nordic *Sámiráđđi* 2008: 30, 190-1, 208, 216

⁸²⁷ EU Parliament 2000; Norwegian Ministry of Foreign Affairs 2008

These are principles of Integrated Water Resources Management (IWRM).⁸²⁸ However, this school of water management had already been adopted as a guideline for local municipalities in the region, notably by the municipalities that share the Deatnu River: both upstream and downstream, on both sides of the border.⁸²⁹ These local experiences are now merging with policies made in a transnational governance network. For each of the main rivers and fjords, administrative “water areas” have been established, spatially defined by the drainage basin of the particular river or fjord.

With regard to the Alta and Deatnu Rivers, each of these is administered holistically together with the salt waters into which they empty. Thus, the drainage areas of the Alta and Deatnu Rivers, together with those of the Alta and Deatnu Fjords, define two administrative “water areas” for Alta and Deatnu. The implementation is organized in cycles of planning, execution, and assessment, in accordance with common norms for regional planning. Thus, planning is an adaptive learning process. At the beginning of 2013, Deatnu Water Area was in its third cycle of action-learning.

⁸²⁸ Global Water Partnership 2003

⁸²⁹ Through archival research at Tana and Utsjok municipalities, I have documented that IWRM was translated to Deatnu River area “from below” *prior to* its implementation “from above” via the EU-WFD. Thus, when the directive was to be implemented, relevant competence was already developed as local knowledge at the local municipalities along the Deatnu River. (Hoseth, Osland & Kristiansen 2004, Tana Municipality 2006, Hellander 2010, interview with Svein-Ottar Helander, 28. January 2011.) Consequently, the state governments of Norway and Finland had a lot to learn from the local municipalities along Deatnu River, when the states eventually started to implement the directive. *On the one hand* the municipal civil servant Hellander (2010: 11) claimed, *diplomatically*, that the state authorities seemed to have satisfied the standards set the bylaw that implemented the EU-WFD (“Vårt inntryk er at vannregionmyndigheten har tilfredsstilt kravene til planlegging etter [...] kravene i vannforskriften”). *On the other hand*, I have shown in this chapter that, in fact, the *state governments had a lot to learn* regarding IWRM during the first to planning cycles with the EU-WFD, while the municipal public servant confirms that the principles of IWRM already were *local knowledge in the municipal administrations* (ibidem: 3, citing Tana municipality 2006). The latter observation (regarding the municipalities) is not only something claimed by the municipal civil servants, but it is also confirmed by an official report from the Norwegian Water Resources and Energy Directorate: Hoseth, Osland & Kristiansen (2004: 13) emphasise, firstly, that the municipalities Tana, Utsjok, Kautokeino and Enare, since the 1990s have developed cooperation regarding monitoring and planning of water quality and salmon fisheries in the Deatnu River, and secondly, that the *municipalities* thus had *prefigured* the EU-WFD (“Alle disse prosjektene har bidt i prosesen med å karakterisere Tanavassdraget i hht. vanddirektivet.”). This indicates that, during the first two planning cycles in the implementation of the EU-WFD, the state bureaucracies of Norway and Finland in fact had a lot to learn from the four border municipalities in Deatnu River regarding the actual practice, techniques, and ethics of IWRM. Therefore, it is relevant that Tana municipality (2006), during the Norwegian state government’s official hearing (consultancy), presented the following four suggestions: (1) For the implementation of the EU-WFD, it would be beneficial that the northernmost counties in Norway and Finland had already established cross-border cooperation about water resources management. (“Finnmark har man lang erfaring med samarbeid med Lappland om vann- og vassdragsforvaltningen, noe om vil være viktig for arbeidet med felles norsk-finsk vannforvaltningsplaner.”). (2) The planning process should be participatory, and should include various groups who claim user rights (“Videre bør referansegruppene bestå av representanter for rettighetshavere, private og allmenne brukere.”). (3) Implementation at the Norwegian side has to follow the time schedule, in order to facilitate the necessary coordination with planning agencies at the Finnish side. (“Fremdriftsplanen for gjennomføringen av direktivet bør være som forutsatt i forskriften. Dette fordi det i Finnmark skal utarbeides en felles vannforvaltningsplan med Lappland.”). (4) Last, but not least, the municipalities should get financial compensation for their additional costs during implementation of the directive. (“Tana kommune forutsetter at Staten yter kompensasjon til disse kommunene for de merkostnader som arbeidet i henhold til forskriften innebærer.”). Whether the states were perceptive of these suggestions is a question that lies outside the scope of the present research. During my latest field trip to the Deatnu River, I learned that one of the local planners from Tana municipality (Anne Smeland) had been employed by the Finnmark County Municipality to oversee the implementation of the EU-WFD. This must be seen as a recognition of the local knowledge about IWRM that had been developed in the local municipalities “from below”, prior to the implementation of IWRM “from above” through the EU-WFD.

The implementation of EU-WFD in the Alta and Deatnu Rivers is used only for planning at a general or “strategic” level. However, policies at a particular, “tactical” level are left to other arrangements. Thus, the EU-WFD is not used to steer the management of the wild salmon stock. Indeed this is an issue of biodiversity, and thus an indicator of “water quality”. The EU-WFD prescribes sustainable management of water quality, including biodiversity, and this general or strategical goal is something that all users can agree on. The highly political contention, however, regards the question about how the competing groups of fishers should divide the shared burden of fishing restrictions. This more particular or tactical regulation is being channelled through institutional arrangements different from the EU-WFD. Those other institutional arrangements are being shaped by the parallel implementation of the Finnmark Act.

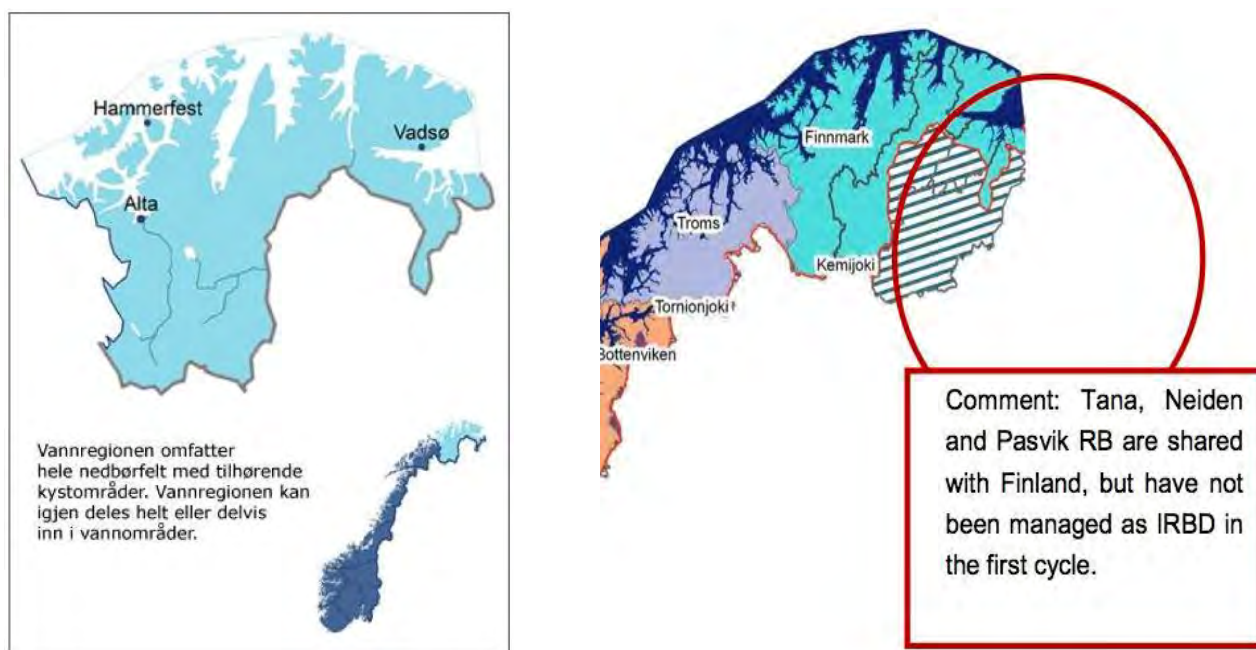


Figure 9-2: Finnmark County and transboundary water areas

Left: Finnmark County: The main rivers Alta and Deatnu are marked in blue. Much of Deatnu River is hidden behind the gray border demarcation. The text says: “The [Finnmark] Water Region includes whole catchment areas with adjacent coastal areas. The Water Region can be divided fully or partilly in Water Areas.”⁸³⁰

Right: Comment from the European Commission: “The three River Basins (RBs) Deatnu (Tana), Neiden and Pasvik are shared with Finland, but not been managed as International River Basin Districts (IRBDs).”

However, it should be noted that the map includes Russian parts of the Pasvik River basin, though Russia is not mentioned.⁸³¹

⁸³⁰ Finnmark County Municipality 2009: 7

⁸³¹ European Commission 2012a

9.2.3 The Finnmark Act

The Finnmark Act has been widely perceived as highly relevant for the Alta and Deatnu Rivers since it was enacted by the Norwegian parliament in 2005.⁸³² After the constitutional amendment and the establishment of a consulatory Sámi Parliament, an attempt was now made to sort out an even more controversial issue: the right to land and water in Sámi areas. The state had not only claimed sovereignty over those lands, but also ownership in the sense of private law. In the 19th century, ancient customary norms had gradually been recognized by the state with regard to local communities in the southern provinces of the state.⁸³³ Northern provinces, by contrast, were re-defined as a “*Colonie*”.⁸³⁴ However, when the state ratified international norms on indigenous rights, this implied a de-criminalization of ancient customs in the northern province. Thus, the contradictions between state law and local customs had to be resolved. In many places, the expropriated rights had been allocated to other local users, but in Finnmark County most of the area was still defined as state property *qua* private law. Thus, the issue would be somewhat simpler to sort out in Finnmark, and the process started here. Implementation of the Finnmark Act is among the few attempts to institutionalize indigenous rights to land and water. Therefore it was followed with much interest by indigenous peoples and their “host” states in other Sámi areas, but also in other indigenous territories, particularly in the Circumpolar Arctic. The law resulted in (a) the re-organization of the common areas, and (b) the codification of customary rights in each locality.

First, regarding re-organization of common areas (ad a), all areas that had been considered state property were transferred to a new entity, the *Finnmark Estate* (FeFo), which was to be controlled by Norwegian, Sámi and regional democratic institutions.

Second, with regard to the codification of customary rights (ad b), the *Finnmark Commission* started the laborious work of mapping and codifying every existing local customary right in the county. In case legal conflicts might arise through this mapping, a special court was created, *The Outfield Court*.

Thus, three institutions were created with the Finnmark Act: the Finnmark Estate (FeFo), the Finnmark Commission and the Outfield Court. Those three institutions apply to most *land areas* in Finnmark County. Those land areas are administered by FeFo while work has begun to register and settle all local customary rights.

With regard to *coastal waters*, the indigenous rights struggle has yielded less concrete results. The Norwegian parliament rejected a proposition which claimed that local fishing rights

⁸³² Norwegian Parliament 2005

⁸³³ Sandvig 1998; Stenseth 2010

⁸³⁴ Historical research has found documentation that *at least* within a certain area and during a less certain period, the lands, waters, and population of Sápmi were *explicitly* managed as a “Colonie”. That is, at least within Finnmark County, and at least from the 1820s and for an undefined period of time (Pedersen 1999).

belonged to the local population. Still, FeFo has taken over the administration of salmon fishing locations, while the mandate of the Finnmark Commission has become widened to include registration of actual customary rights. The work is likely to reveal contradictions between state law and local customs, since the state has already rejected the view that local fishing rights belong to the local population.⁸³⁵ The controversy about local fishing rights applies to all coastal and fjord areas in Finnmark County, including Alta Fjord and Deatnu Fjord. Other parts of the Barents Coast have different political (and juridical) opportunity structures.

With regard to *main waterways*, several of them are omitted from the Finnmark Act. Such is the case with Alta River. The Deatnu River, by contrast, is one of two border rivers that were specifically mentioned in the Finnmark Act. The act suggested that in the Deatnu and Nieden Rivers, the management of salmon fish resources should be subject to local management based on rights. The specificities were further developed by a specific commission under the Norwegian Ministry of the Environment. The commission finalized its report in 2009, and in 2011 their suggestions were enacted as laws by the Norwegian Parliament.⁸³⁶ During 2012, attempts were made to implement those rules. Political contention influenced policy-making processes, and such contentions also influenced the ongoing policy-implementation process.

9.3.0 Democratizations: genealogies of the two political experiments

There is continuity between the social struggles that shaped the preparation and enactment of our two political experiments, and the social struggles that shape their implementation. Therefore, in order to understand the powers at play during the implementation of the policies, it is useful to know the powers at play during the preparation of the same policies. The actual web of influences constitutes a complex socio-ecological context, so any process tracing is bound to be selective and

⁸³⁵ In fact, the Norwegian Ministry of Fisheries has already commissioned two reports (or "white papers"), which give contradictory conclusions regarding this issue (Norwegian Official Report 2005 [NOU 2005:10] and Norwegian Official Report 2008 [NOU 2008:5]). When, in Chapters 10-11 of this thesis zooms in on the Deatnu Fjord area within Case II, an argument will be made in favor of the view that the Coastal Sámi of the Deatnu Fjord indeed are indigenous peoples, and that their right to freedom from cultural (and economic) discrimination includes the right to traditional subsistence. In that context, an argument will also be made for how local indigenous people, in the case of continued denial of indigenous human rights, may draft legal complains about the Norwegian state through the international human rights regime, see part 10.3.8, with footnote on precedence. For further background about the Outfield Court, see 8.6.1, which includes a long footnote regarding the *right to appeal* within the regional and global human rights regimes.

⁸³⁶ See the report from the committee *Tanautvalget* (Norwegian Ministry of the Environment 2009a), see also the following proposal from the government to the legislative (Norwegian Ministry of the Environment 2009b), and finally, see the resulting bylaw enacted by the Norwegian Parliament (2011).

problem-driven. We will now have a brief look at input from actors advocating competing models of democracy in natural resource management.

These tasks must be conducted differently for the two political experiments. The *Finnmark Act* originates in the emerging regional context that was presented in the geographical introduction to our two case studies. Our two case studies both relate to the same area and period from which the Finnmark Act originates. Thus, it is not necessary to introduce any new contexts in order to trace its emergence. The *EU-WFD* by contrast, originates from another geographical context, which, in the same chapter was presented as an emerging European macro-region. Historically, the EU-WFD took shape during the same period as the Finnmark Act, but geographically, it is the result of processes localized in other places. Thus, some additional context must be introduced.

9.3.1 Genealogy of the Finnmark Act

The Finnmark Act has sometimes been portrayed as a product of compromise between the Norwegian nation-state, concerned about minimizing the loss of Norwegian sovereignty, and Sámi institutions, concerned about maximizing Sámi self-determination.⁸³⁷ Such a caricature exists in the eye of the beholder. It follows as a tautologically logical consequence when such authors define the nation-state as the ultimate form of self-determination.⁸³⁸ However, a more sociologically informed process tracing has been done by the political sociologist Audun Sandberg.⁸³⁹ He applied concepts about long-term constitutional processes from Vincent and Ellinor Ostrom.⁸⁴⁰ Regarding the level of formalistic policies, Sandberg confirms the impression of compromise between two collectives. He refers to the Norwegian Constitutional Amendment of 1988, stating that the Norwegian state, in accordance with international norms, is obliged to “create favorable conditions for the Sámi people to secure and develop its language, its culture, and its society.” The sociologist comments: “This is interpreted to mean that the State of Norway is founded on the territory of two peoples: the Norwegians and the Sámi and from this day the Sámi is viewed as a 'State-constituting people', a position which is fundamentally different from other minorities in Norway.”⁸⁴¹ This formula about one state on the territory of two peoples indeed reflected the official formulation, as it was famously uttered by the King. That official interpretation is a source of misunderstandings, since several other national minorities have traditionally lived in the same territory, while the traditional homeland of the Sámi only partially overlaps with the Norwegian state territory. It is not easy to codify rich

⁸³⁷ Semb 2005; see also Semb 2001; and Hernes 2008

⁸³⁸ Semb 2005:532

⁸³⁹ Sandberg 2008a

⁸⁴⁰ Sandberg 2008b

⁸⁴¹ Sandberg 2008a, § 6

cultural pluralism. If we turn from the level of formalistic policies, to the level of actual social struggles, then the picture becomes more nuanced. Contentious politics provided input to the policy process that led to the enactment of the Finnmark Act.

Sandberg identifies three blocs of social interests:⁸⁴² (1) *One bloc* consisted of Sámi institutions such as the Sámi Parliament and the Sámeráddi, together with the municipalities located upon the inland plateau, where the population has a strong degree of Sámi belonging. This bloc pushed for Sámi rights, collective, familial and individual in nature, in accordance with ILO convention 169. (2) *Another bloc* consisted of the Finnmark County-Municipality, administrative bodies of the County Governor, and the municipalities located along the coast, where the population had a lower degree of Sámi belonging. This bloc was generally against strengthening ethnic Sámi rights as such, but was generally positive to increased local control of natural resources. (3) *The third bloc* was the central state Ministries and their sector agencies. This bloc was mainly concerned about preserving the control of the state over territory, and preserving the capacity of the central government to create nature reserves and to steer infrastructure development. *In sum, these three* coalitions of interests, according to Sandvik, determined the concrete design of the Finnmark Estate, and the composition of its board. The board is composed so that the Norwegian Sámi Parliament and the Finnmark County Municipality share equal control, while the central government of the Norwegian state is represented to oversee the process. The alliances between inland municipalities and the Sámi Parliament have become institutionalized, as have the ties between the coastal municipalities and Finnmark County Municipality. Sandvik also emphasizes the impact of Carsten Smith, the Supreme Court judge who had directed the Sámi Rights Commission. “This *lex Smith* stated that when indigenous Sámi rights are made applicable in an area, those rights shall apply to all inhabitants of that area, irrespective of ethnic identity. In many ways it is this doctrine, also put forward by the Sámi Rights Commission, that has made the present compromise possible at all”⁸⁴³ This doctrine is sometimes being described as a “reconciliatory approach” from the colonized Sámi towards the colonizing state, but it is also true that the demography is rather complex, with the presence of Kväns, descendants of proletarian Norwegian settlers, and a generally mixed population.

One of the issues that remain unresolved in the Finnmark Act is that of the state border dividing an indigenous homeland. For the Finnmark Estate, regional common rights belong to the inhabitants of Finnmark County. Public rights for everyone generally equal national commons, accessible for all citizens of Norway, and under certain conditions, also visitors to the country. Thus, many local Sámi have had rights recognized that are still being denied their kinfolks in Finnish

⁸⁴² Sandberg 2008a: § 6

⁸⁴³ Sandvik 2008a: § 6

Sápmi. This even excludes local indigenous people in the Deatnu River Valley, if these individuals happen to have their citizenship certified from the wrong side of Deatnu River. So far, these local inhabitants of Sápmi have the same rights at the “Norwegian” side of Sápmi as all citizens of the entire EU/EEA area. When regional commons are identified with commons for the Finnmark County, and when the everyman's right (the freedom to roam) as well as every person's right (basic human rights) are identified with the national commons of the Norwegian nation-state, then it means that the bias of methodological nationalism prevailed in the making of the Finnmark Act. Historically, the inhabitants of “Finnish” Sápmi enjoyed fishing rights in the nearby fjords of “Norwegian” Sápmi, which were later denied them, in the latter half of the 19th century. Those local inhabitants were not necessarily reindeer nomads, and in practice they could even be ethnic Kväns or Finns.⁸⁴⁴ The geographical complexities of historical injustice remain controversial.

Nevertheless, as stated in the geographical introduction to our two case studies (Chapter 5), the two historical movements for municipal democracy and indigenous democracy have interacted. Even though the Norwegian Sámi Parliament and the Finnmark County Municipality belonged to different constellations of interests during the policy process that led to the Finnmark Act, they were both supported by municipalities. In the geographic introduction, I observed that some of the municipalities in Inner Sápmi have territorial borders that coincide more or less with the borders of the ancient *Siida* system. By adapting theory and method from political anthropology, I have advanced the view that the contemporary social organization in Sámi areas represent reminiscences of the ancient *Siida* system, and *de facto* constitute a stateless political system, which has co-evolved with the nation states in a rather ambiguous way. In this environment of *de facto* jurisdictional pluralism, the movement for municipal democracy has interacted with ancient traditions for indigenous democracy, just as those two traditions have also interacted with the more recent social movements. This is a view from political anthropology, and compared to the political sociology of Sandberg, this view distances itself even further from formalistic forms of political science. The anthropological perspective reveals co-evolution, hybridizations, and contradictions between multiple jurisdictions and multiple traditions for democracy and democratization.

9.3.2 Genealogy of the EU Water Framework Directive

The EU-WFD is a product of the European Green Party and the emergence of some degree of shared representative democracy for the whole EU space. The directive was backed by the EU Parliament, where the Green Party constituted an influential bloc, in alliance with environmentalist

⁸⁴⁴ Pedersen 2008

NGOs (one legislative branch of power). They were also supported by the central EU bureaucracy, the EU Commission (an “executive” branch of power). The directive was resisted and delayed by the old nation-states, which were organized in the Council of the EU (another legislative branch of power).⁸⁴⁵ The preparation of the directive was stuck in a political deadlock until an institutional reform gave the EU Parliament somewhat more influence over the EU policy process.⁸⁴⁶ Still, the EU parliament has little influence over EU politics, compared to how the politics of each state is influenced by their national parliaments. However, the EU-WFD emerged from the efforts to turn EU into a multilevel democracy, rather than a technocratic forum between state governments.

The tension between the multi-level democracy of the EU and the national democracies of the states continued during the implementation of the EU-WFD. In the Deatnu Water Area, authority has been transferred from County-level state administrations to County-level municipal democracies, in an effort to strengthen regional democratic input. The general EU policies on this issue were informed by a report on participatory democracy from the WWF.⁸⁴⁷ The specific EU policy towards the Norwegian state was informed by a report from Norwegian environmentalist NGOs.⁸⁴⁸ One might wonder why this democratization did not involve the Sámi Parliaments of Norway and Finland, when it did include the County-specific democratic institutions at both sides of the state border. This particular process of democratization was a result of joint pressure from the EU Commission (from “above”) and from NGOs for environmental protection (from “below”), still, the NGOs for indigenous human rights were not involved. This brings us over to the geographical dimension of the implementation of the directive. State governments preferred to use their *existing state bureaucracies* for the implementation of the directive. The two Water Areas Deatnu (Tana, Teno) and Water Area Njávddán (Neiden, Näättämö, Njauddâm, Nijävđâm) are both divided between

⁸⁴⁵ The *Council of the European Union*, which is part of the EU system, should not be confused with the *Council of Europe*, which is a separate and more inclusive intergovernmental institution.

⁸⁴⁶ Kaika 2003

⁸⁴⁷ WWF & Moroz 2010

⁸⁴⁸ Research on participatory democracy in the implementation of the EU-WFD indicates that there is a considerable distance between good intentions and practical realities. According to a report from WWF, such democratic deficit is the case for the EU-WFD in general (WWF & Moroz 2010:14). Similar conditions have been observed in the states in charge of Deatnu Water Area. There has been observed a lack of trans-boundary cooperation between the administrative apparatus of each of the Nordics states (Entson & Gipperth 2010:113). If we zoom in on the Norwegian side of the river, we find an ongoing debate regarding the involvement of citizens and civil society. On the one hand, the environmentalist NGOs of Norway have commissioned a report, which concludes that the state authorities have failed to facilitate the civic participation they are obliged to, and also, that the state authorities are unclear about what they actually mean with civic participation (SABIMA 2010: SWECO & Dønnum 2010). This has similarities with critical political research on environmental policy in Norway (Bregnballe 2005, Dryzek et.al. 2003). On the other hand, the Norwegian Directorate of Nature Management has commissioned another report, and limits its data selection to “expert interviews” with insiders of the policy process (Indset, Naustdalslid & Stokke 2010). This may be closer to the main strand of political research on environmental policy in Norway, what Bregnballe (2006) characterises as more technocratic and less interested in deliberative process. But regarding the implementation of the EU-WFD in Norway, the NGO-funded assessment in 2010 appears less critical than even a state-funded research five years earlier (NIVA, Sandberg & Bennett 2004). Thus, the official planning cycle might have had some capability of organizational learning regarding the orchestration of civic deliberation “from above”.

two administrative Water Regions, namely Finnmark County and Lappland County. This is because it was more convenient for the Finnish and Norwegian state bureaucracies to use the existing County system to organize the Water Regions. Thus, the EU Commission requested enhanced *trans-boundary cooperation* in the relevant Water Areas for the current planning cycle.⁸⁴⁹ This contribution from the EU Commission is aligned with the demand for bioregional management from the NGOs for environmental protection, and it is also pushing in parallel with similar, but unrelated, demands from the NGOs for indigenous human rights. Further, the EU Commission also challenges what I would characterize as Norwegian and Finnish nationalist bias in the organization of relevant natural science. The states have based the *scientific monitoring* systems on their own established technical expertise. The EU Commission requests further development of the monitoring systems, including biodiversity measures.⁸⁵⁰ In particular, it requests *more transparency* on the Finnish side, and *better consultation* mechanisms on the Norwegian side.⁸⁵¹ Thus, the EU Commission gives special attention to policy areas affected by national(ist) economic interests, including hydropower in Norway and agriculture in Finland.⁸⁵² Regarding the Norwegian side, there is a general request for more transparency and a clear governance structure that could encourage public participation.⁸⁵³ The EU Commission desires monitoring of transitional waters (mixes of salt and fresh water), and requests a rationale for why biological impact factors have not been taken into consideration in coastal waters, mentioning especially the problem of salmon parasites (*Gyrodactylus Salaris*).⁸⁵⁴ Those are issues of potential relevance for the management of wild salmon in the Deatnu Water Area, and particularly in the Deatnu Fjord. In sum, the EU Commission not only empowers regional democratization, and requests better cross-border cooperation, but also questions the present intermingling of state-certified science and state-certified national interests.

The EU-WFD has opened political opportunities through competition between the national democracy of the states and the multi-level democracy of the EU. With this particular directive, the multi-level democracy could also be called “multi-level bioregionalism”. Originally, bioregionalism was strictly a “localist” vision for natural resources management: Local ecosystems should define the boundaries of locally-based political systems, which should be governed by direct democracy.⁸⁵⁵ This was one of the utopias advocated within the Fundi faction of the European Green Party. However, the need to address practical political problems on multiple scales led to a change from a utopian goal of abolishing the system to a pragmatic action aimed at transforming the system. Thus,

⁸⁴⁹ European Commission 2012a: 30; European Commission 2012b: 63

⁸⁵⁰ European Commission 2012a: 29; European Commission 2012b: 61

⁸⁵¹ European Commission 2012a: 31; European Commission 2012b: 62

⁸⁵² European Commission 2012a: 30; European Commission 2012b: 62

⁸⁵³ European Commission 2012a: 29

⁸⁵⁴ European Commission 2012a: 30-1

⁸⁵⁵ Barry 1999: 80

the utopia of eco-anarchism was largely displaced by a pursuit of democratising states and civil society.⁸⁵⁶ Similar transformations took place in other parts of the global justice movement after Seattle.⁸⁵⁷ The reorientation of the environmental movement at large led to the above-mentioned split within the European Green Party, between Fundi and Realos.⁸⁵⁸ While wind power was transformed from a niche technology to a profitable industry, ecological hydro engineers changed their focus from local closed-loop systems and resistance against big dams, to developing the principles of Integrated Water Resources Management (IWRM). This was a typical Realos-strategy. Above I defined IWRM with three defining characteristics on the basis on version II of the official IWRM handbook.⁸⁵⁹ Version III of the handbook places less emphasis on participatory democracy.⁸⁶⁰ Counter-concepts like “community led total sanitation” have been developed by people who adhere to Fundi-ideals.⁸⁶¹ IWRM is an adaptation of bioregionalism, and the EU-WFD is an experiment with a direct application of IWRM. Thus, EU-WFD is a translation of bioregionalist principles from Fundi-ideals to Realos-strategy. To date, the EU-WFD is among the most prestigious achievements of the European Green Party within the EU Parliament. However, as an open-ended political experiment, the EU-WFD unfolds through interaction with various political forces. Those forces include Fundi environmentalists pushing for more radical bioregionalist claims, and eurosceptics pushing to restore national sovereignty.

Table 9-1: *Ideal types of two democracy models in environmental management, regarding three issue areas*

	<i>Political issue</i>	<i>Economic issue</i>	<i>Epistemic issue</i>
Centralised democracy	Formal accountability	Redistribution	Scientific expertise
Distributed democracy	Local democracy	Decolonization	Bio-cultural specificity

Ideal types of two democratic models: The competing political models referred to above may be roughly sorted as ideal types. One ideal type may be called “centralized”, and may be legitimized with concerns for formal accountability, redistribution, and scientific expertise. Another ideal type may be called “distributed” and may be legitimized with concerns for local democracy, decolonization and local bio-cultural specificity. Environmental movements tend to disagree on the centralisation of authority, a political issue; but also on social redistribution, an economic issue; and finally on the organisation of science, an epistemic issue.

⁸⁵⁶ Barry 1999: 2, 5, 79, 81, 92, 93, 97, 98

⁸⁵⁷ Day 2005; Hallaway 2002

⁸⁵⁸ Katsiaficas 2006

⁸⁵⁹ Global Water Partnership 2003. The three defining characteristics I chose to emphasise were (a) the integration across territorial divides, (b) the integration across policy areas, and (c) the integration of diverse stakeholders.

⁸⁶⁰ Global Water Partnership 2013

⁸⁶¹ Deak 2008

Table 9-2: Ideal types used to sort out what democratic models were pushed by what collective actors

	<i>Finnmark Act</i>	<i>EU-WFD</i>
Centralized democracy	Pushed by the Norwegian government	Pushed by the states and EU Council
Distributed democracy	Pushed by the County-Municipality and Norwegian Sámi Parliament	Pushed by NGOs, EU Parliament and EU Commission

This distinction roughly corresponds with a split between two factions in the German Green Party in the 1990s: on one side, those who adhered to pragmatic Realpolitik, the *Realos*; on the other side those who kept the fundamental principles, the *Fundi*.⁸⁶² Though the Green Party was split between those factions, this never constituted any schism within the larger environmental movement. In practical politics, there is an interaction between different segments of the environmental movement as a whole. If the purpose is to emphasize different visions of democracy, then the ideal types *Fundi* and *Realos* may have heuristic value to describe the interacting tendencies of green politics. *Realos* may be more pragmatic, but also more technocratic, while *Fundi* may be more concerned about social issues, but also more utopian. It should be noted that the latter faction cares for social issues, and therefore this distinction is different from one often made in readers on environmental politics, between a “technocentric” bloc, associated with high tech fixes, and an “ecocentric” bloc, associated with Malthusianism.⁸⁶³ Such a distinction silences the voice of movements for environmental justice and bio-cultural diversity. The distinction between ecocentric and technocentric movements has scarce relevance for the Deatnu Water Area. On the one hand, both the involved state ministries take a technocratic approach, though the ministry of one of the states has more ecocentric policies than that of the other. The policies of these two states are technocentric and/or ecocentric. On the other hand, the Sámi Parliaments have an environmental policy that channels demands for increased environmental justice, and for the protection of bio-cultural diversity.⁸⁶⁴ There are few links between the Green Party and the Sámi organizations, but there are affinities as a result of entangled genealogies.

⁸⁶² Katsiaficas 2006

⁸⁶³ The sorting of the environmental politics into a “technocentric” bloc (associated with high tech fixes) and an “ecocentric” block (associated with – of all things – Malthusianism) can be traced back to one single author. On the one hand, the dichotomy is presented in *The Dictionary of Human Geography* (Clastree 2000: 224), citing O’Riordan (1980). On the other hand, the same dichotomy is also presented in the *Environmental Science for Environmental Management*, the chapter on policy-processes, by Jordan & O’Riordan (2000: 67-8). In both instances, the author of the dichotomy is Timothy O’Riordan, British professor of Environmental Science. He is also the general editor of the latter volume (O’Riordan 2000), with an introduction by *The Prince of Wales* (sic!). When definitional power is being executed by that particular segment of the environmental movement that is closest to the landed aristocracy of the British Empire, then it should come as no surprise that the categorisation silences and suppresses the intersectionality between social issues and environmental issues. When the environmentalist discourse is being disciplined with such an *Aristocratic bias*, then it indeed actualises the relevance of the term “false ideology” as this was coined in *vulgar Marxism* (Mao Tse-Tung 1968 (1937), Marx & Engels 1969 [1932 {1845}]). This dialectical tension is being forced not by the vulgarity of the Marxian diagnosis, but by the real extremism of the Aristocratic denial of truth.

⁸⁶⁴ Sámediggi Norway 2005 (thanks to Gro Ween for sharing the document)

If we use the ideal types to sort the various collective actors mentioned in the genealogies of the two experiments above, we could surely use the label “centralized democracy” to describe policies pursued by the Norwegian state government, as well as by the state governments represented in the EU Council. One could argue that the other collective actors pursued some degree of “distributed” democracy. Perhaps surprisingly, the EU Commission and the EU Parliament appear to have exercised their supranational authority to call for the devolution of democratic power to regional bodies and participatory fora. Maybe less surprisingly, the transnational and national NGOs for environmental protection have had similar concerns. In the implementation of EU-WFD in Water Area Deatnu, the push for local democracy did not emerge locally, but emanated from supranational bodies and transnational NGOs. In accordance with *Realos*-doctrine, bioregionalism has become a multi-scalar political project, where the purpose is to manage each ecosystem at its appropriate level of aggregation, be it Deatnu Water Area, the Barents drainage basin or the North Atlantic salmon habitat. With regard to the Finnmark Act, the Norwegian Sámi Parliament and the Finnmark County-Municipality are portrayed as adversaries regarding some issues, but regarding democratic models, they are both pushing for various versions of distributed democracy. One is geographically bonded by the County, which was once defined by the state. The other cares for the geographically diffuse Sápmi area, represented through the Nordic Sámiráddi. Both refer to territories where some local municipal boundaries coincide with some ancient local *Siida* boundaries, and where the state-certified local democracy of the municipalities has co-existed with the criminalized local democracies that are contemporary adaptations of the ancient *Siida* system. Thus, when we investigate what collective actors are actually pushing for distributed democracy in the Deatnu Water Area, there is a *mélange* of heterogeneous ethnicities and heterogeneous scales. Thus, neither the ethnic cleavage nor the center-periphery cleavages are clear cut entities. Still, there is a *mélange* of heterogeneous collective actors with some shared interest in various forms or degrees of bioregionalism.

9.4.0 Laboratory Deatnu: a test site for the two political experiments

The ethnographic case study from Deatnu Water Area involves information on how those two political experiments have unfolded in a particular Water Areas, from 2010 until 2012. For the Alta Water Area, I have not conducted any similar ethnographic fieldwork. Deatnu was chosen because of the geographical location of its ecosystem in relation to the nation states and the Sámi homeland.

For this reason, this particular Water Area exposes the special challenges with the EU-WFD, and for the same reason, it got its own paragraph in the Finnmark Act. Some preliminary observations should be presented.

9.4.1 EU-WFD in the Deatnu Water Area

Regarding the EU-WFD in the Deatnu Water Area, institutional reform is slow, and political conflicts are strikingly absent. The two states have had well-established bureaucratic cultures, and reforming those takes time. Reforms have not been initiated locally, but have been pushed by centralized environmental NGOs, interacting with the European Commission. After the first round of implementation, the states were pressed to democratize the organization of the directive at County level.⁸⁶⁵ Thus, some authority was transferred from the County level state administrations to the County level municipal democracies. After the second round of implementation, the states are compelled to invest more effort into integrating their work across state borders, and into increasing the reliability of scientific monitoring systems.⁸⁶⁶ Regarding the Norwegian side, a third demand was for further democratization. One preliminary result is that some information material from authorities on one side of the border is being translated for end users on the other side of the border. Thus, it becomes easier to participate in the policy process on the other side of the border. Another preliminary result is the employment of former bureaucrats from the local municipalities, who had already been working in the same school of water management before the EU-WFD was established. In fact, Water Resources Management (IWRM) has been adapted in the Deatnu Water Area via two separate pathways: *The first* was via committed municipal bureaucrats and politicians. *The next* was via the EU system. Those two processes are now being twinned into one. However, maybe most striking of all is the absence of public controversy around the implementation of the EU-WFD in the Deatnu Water Area. This, in spite of natural resources management being the hottest political topic in the area, and active public participation being a main goal for the EU-WFD and IWRM. Participatory democracy is being channelled into specific forms: reference groups, information meetings and public hearings. Those channels are orchestrated from “above”. Thus, they create fora for technical dialogue, not arenas for political struggle. It has been suggested that overly-depoliticized forms of public participation are more efficient to discipline public opinion than to channel democratic power.⁸⁶⁷ They foster civil society that is so over-civilized that it leaves little room for the less educated, less well off, and less consensual parts of the population. Thus, in

⁸⁶⁵ WWF & Moroz 2010; SWECO & Dønnum 2010; interview with Opdahl, J.S., ecologist at Finnmark County-Municipality, Vadsø, 26.01.2011

⁸⁶⁶ EU Commission 2012a ibidem; EU Commission 2012b ibidem

⁸⁶⁷ Della Porta 2011; Bregnballe 2009

an indigenous homeland like the Deatnu Water Area, considerable parts of the population are actually excluded from the process, while this is being made publicly invisible, because the stated policy is to include everyone. On one hand, this may reproduce the democratic deficit of EU institutions. On the other hand it may be a result of good local knowledge among bureaucrats with experience from democracy at the municipal and county levels, because they know that too much formal inclusion might have suppressed public debate. Intended or not, controversial particularities are left out of the EU-WFD, and therefore left to informal clarification of norms through informal deliberative-participative democracy.⁸⁶⁸

9.4.2 The Finnmark Act in Deatnu Water Area

Regarding the Finnmark Act in the Deatnu Water Area, the reform has a wide variety of effects. Those varieties can be sorted into four different geographical areas: (a) first, the tributary streams lakes and marshes on the Norwegian side; (b) second, the main part of the river on the Norwegian side; (c) third, the tributary and river areas on the Finnish side; and (d) fourth, the Deatnu Fjord. The Finnmark Act does not explicitly address either the salt waters of the fjord, or those parts of the river system that are under Finnish jurisdiction. Nevertheless, it has consequences also in those areas. With regard to *(a) tributaries on the Norwegian side*, the act applies as it does to most parts of the inland plateau. Numerous tributary rivers, streams, lakes, marshlands and groundwater reserves are now defined as properties of FeFo. The Finnmark Commission is sorting out contradictions between state law and local customs, which were continuously maintained and developed over centuries when the latter were criminalized by the former. With regard to *(b) the main river on the Norwegian side*, the act started a process towards locally based management of salmon resources. This was briefly described above. One main limitation to the implementation of local management is that the regulation of salmon fisheries is the result of cross-border negotiation between the Norwegian and Finnish governments, with representation from the two Sámi Parliaments on each side. Thus, there is a contradiction between a system of centralized management for the whole river, and a system of local management for the Norwegian side. At the end of the year in 2012, this contradiction was a source of confusion. Regarding *(c) the tributaries and river on the Finnish side*, an act from the Norwegian polity has no direct relevance. In fact, the act is an attempt to implement ILO convention 169, and this has not been ratified by the Finnish government. Still, local people on the Finnish side may refer to what the act says about the main river when they claim local rights on the border river, as well as in tributaries and the fjord on the

⁸⁶⁸ Della Porta 2011; Dryzek 2006

Norwegian side. This argument may probably not be used with regarding to tributaries that are under purely Finnish control. Regarding (d) the Deatnu fjord, local people from this area have been much involved in the indigenous rights struggle for the Finnmark Coast. This process was briefly described above. The process is not only relevant for the Deatnu Fjord, but the Deatnu Fjord is also relevant to explaining that process. In sum, the Deatnu River not only exemplifies a transfer to indigenous-friendly democracy at the Finnmark Plateau, but also the imminent challenges of expanding this transition to adjacent areas under Finnish control or along the Finnmark Coast. As shown, contradictions are implied in the fact that local management is implemented in one part of the river while regulation for the whole river is the outcome of centralized negotiations between the two states. Thus, there is a lack of integration between two parts of the socio-ecosystem that have been spatially divided by a state border. Another contradiction has not been mentioned so far, since it applies to the entire Deatnu Water Area. On the one hand, there is an ongoing institutionalization of indigenous rights. On the other hand, there is also an ongoing institutionalization of environmental protection. Both processes are influenced by international norms, various interest organizations and local social movements. The preliminary result of those processes is that indigenous rights have been a policy area under the two relevant Sámi Parliaments, while environmental protection has become a policy area under the Norwegian Ministry of the Environment and the Finnish Ministry of Forestry. This has consequences for the funding and usage of knowledge in the fields of bio-science and anthropology. One consequence is a lack of interdisciplinary collaboration across the disciplinary divide. Another consequence is that the political-economic opportunity structure for bio-science is determined by compromises between what the two governments define as “national interests” for Finns and Norwegians, while the Sámi institutions have fewer possibilities to influence the research agenda. Those issues were discussed in the previous part of this chapter. Thus, there is a lack of integration between two parts of a holistic thematic that has been divided into separate topics under separate policy areas. In sum, this synthetic overview over the consequences of the Finnmark Act in the Deatnu Water System indicates that, at present, there are some contradictions related to the lack of integration across two divisions: the spatial division between state jurisdictions, and the topical distinction between policy areas. One reason to keep the spatial distinction is that states still provide protection, and thus, legislation in one state cannot apply to the territory of the other. However, those sovereignties are already entangled in a shared fate, as a result of their shared, trans-boundary natural and cultural heritage, as well as the protection of populations already relying on geo-strategical alliances. One reason to maintain the topical distinction between biological and cultural issues is that anthropologists and bio-scientists ideally wish to pursue truth independently of dictates from powerful political-economic interests. However, this ideal disciplinary integrity is never fully

actualized, since the sciences are dependent upon funding, and this is provided from political entities that have vested interests in prioritising the funding of some research questions rather than others. Thus, there may be some good reasons to keep the spatial and topical distinctions, but nevertheless those distinctions create contradictions for holistic ecosystems management and coherent indigenous rights in a trans-boundary socio-ecosystem.

9.4.3 Comparisons

The brief description above has traced and mapped some processual and spatial features of how two parallel political experiments unfold in the Daetnu Water Area. This description identified some tensions within each of the processes, and the description of those tensions may be seen as an implicit comparison between the two. This comparison may be carried out more explicitly. With regard to implementation of the EU-WFD, a contradiction was identified, between political goals to foster active civil participation, and practices that exclude most of the contentious issues that would have ignited public engagement. This is not so with the implementation of the Finnmark Act. The reforms produced by this act have caused a high level of public contention, with much commitment. Thus, it has ignited a process of open-ended clarification of norms through informal deliberative-participative democracy. Perhaps paradoxically, the Finnmark Act, with all its controversial imperfections, fosters more democratic participation than the technically smooth EU-WFD. However, at the same time, the implementation of the Finnmark Act has caused some contradictions that are not found with the EU-WFD. With the Finnmark Act, some contradictions are the result of scarce integration between spatial areas that have been divided by a state border, while other contradictions are the result of scarce integration between topics that have been divided by policy areas. Those are exactly the two forms of integration that Integrated Water Resources Management (IWRM) is supposed to address, and for that reason, the European Commission and the environmentalist NGOs have put a great deal of effort into encouraging the states to develop such integration through the EU-WFD.

9.5.0 Preliminary conclusion to first part of Case II, the Deatnu River & Fjord

9.5.1 Summing up the argument

In sum, this argument could have concluded by assessing policies, claiming that in the Deatnu Water Area, the good sides of the Finnmark Act are the bad sides of the EU-WFD, and vice versa. Such an argument could have been elaborated by defining explanatory factors: integration across territorial divides, integration across policy areas, and participatory democracy. Those are exactly the three features that were used to define Integrated Water Resources Management (IWRM) above.

However, I will not conclude this argument in such a manner. Indeed it might be fruitful with some cross-fertilizing between the two ongoing experiments, and indeed they are both open-ended processes of learning and action. The problem with policy analysis is that this study has already rejected the epistemological and utilitarian assumptions that are implicit in policy analysis. That is because I subscribe to a democracy theory that takes conflict to be the defining characteristic of politics, and consequently see informal deliberation over contentious issues as integral to democratic praxis.⁸⁶⁹ From such a viewpoint, democratic participation can hardly be fostered through codified technical fixes from policy experts. Instead, democratization has to emerge via interaction between the social engineers and carnivalesque contention from diverse actors. The tensed jurisdictional pluralism in the Deatnu Water Area highlights this issue. In such a situation, with its unresolved internal contradictions, the making and maintenance of political systems is at stake. This will be further investigated in Chapters 10 and 11, which will zoom in on the Deatnu Fjord, as a sub-case within Case II.

9.5.2 Preliminary negative findings: the Deatnu water area in large

Regarding Case II, I have identified two of my own biases. One bias regards *ethnocentrism* in the anthropological research about the actual governance system(s), in particular the national biases inherent in my own education and competence, but also the reproduction of nation-state bias in the fact that local history at the “Finnish” side of the river lacks the funding that is accessible on the “Norwegian” side. Another bias concerns *watershed-centrism* in the ecological knowledge about the resource system(s). There have been many efforts to develop functioning monitoring systems for the size of the local salmon stock within the river. However, this is a migrating species. What remains under-researched is the life, and particularly death, of salmon from the local stock during

⁸⁶⁹ Della Porta 2011, Dryzek 2006

their migration in the deep sea. Similarly, local subsistence fishermen claim that there are few salmon when there are more seals, but complain that biologists have not been willing to investigate if the seal eats much of the salmon. Those two biases are closely related. Both forms of under-information are of relevance to various uses of the shared salmon stock. There are particular groups of subsistence practitioners who have *not succeeded in setting the research agenda*. Consequently, the research questions that appear relevant for them remain under-researched. Thus, both forms of bias, the ethnocentric, as well as the hydro-centric, can be partially explained as a product of *political-economic bias*. In order to influence the research agenda, *deliberation matters, but resources decide*.

Suggestions for further research: Following my discussion of biases above, the four following research agendas can be suggested:

- a) We need *more ecological knowledge* about the ocean migration routes of the Deatnu salmon stocks, and better information about catches in the open sea. Perhaps one could place radio transmitters on selected specimen. There is also a need for more research on the web of nutrition in the Deatnu ecosystem, for example, one relevant hypothesis is provided by the observation among fjord fishers that an increase of seals correlates with a decrease in salmon catch. Better biological knowledge about those issues might have been beneficial for the environmental policy of the Sámi parliaments and the Nordic Sámiráđđi. However, such research might be contrary to the interests of Norwegian and Russian industrial fisheries, as well as Finnish and Norwegian anglers' associations.
- b) We need more *historical knowledge* about traditional livelihoods on the Finnish side of the river, for example investigating one view circulating in oral history, saying that tourism is a traditional livelihood adaptation among the local Sámi. The documentation of relevant anthropological history has begun, but mainly on the Norwegian side of the river.⁸⁷⁰ More research on the history of tourism at the Finnish side may not be in the immediate interest of the Norwegian Sámi Parliament, because it is outside the Norwegian territory, but more holistic knowledge about this trans-boundary socio-ecosystem is probably in the long-term interest of the Sámi Parliaments as well as the Nordic Sámiráđđi.
- c) We need more *SES research* on how the local and Sámi population have overcome the "tragedy of the commons" in their traditional use of natural resources, and more on how the increasing state intervention might sabotage such possibilities. By taking Ostrom's SES perspective, I think a relevant diagnosis on this issue might have been set by Geir Wulff, editor of the Sámi newspaper Ságat, when he claims that everyone loses because the

⁸⁷⁰ Burgess 1996

authorities have made a mess.⁸⁷¹ For example, there is a need for multi-sited ethnography regarding the water area as a whole. Here I suggest the need for research that I myself have started, though the data are still incomplete. Such research might also be in line with the environmental policy of the Sámi parliaments and the Nordic Sámiráđđi. However, it might not be in the interest of the governing political faction within the Norwegian and Finnish state apparatus.

- d) We need further *ANT research* on the politics of agenda setting in the biological and social sciences of relevance to Deatnu fishery management. This work has been pioneered by Gro Ween. Continuing her research may also be in line with the environmental policies of the Sámi parliaments and the Nordic Sámiráđđi.

Those suggested directions for further research are rather diverse, but they have one feature in common: To *make inquires concerning certain issues* of (a) ecology, (b) history, (c) SES-systems, and (d) ANT-nets would be *relevant for the Nordic Sámiráđđi and the four Sámi Parliaments*, but would not be relevant for the better resource-endowed interest organisations, that are have succeeded into defining “national interests” within the Norwegian and Finnish states (and for the case of ocean fisheries, also the Russian state). The struggle for rights and proof seems to imply a form of scientific entrepreneurship in the further development of epistemic communities and scholarly institutions.

9.5.3 Preliminary positive findings: the Deatnu water area *au sens large*

By tracing two entangled policy processes, Chapter 9 confirms the mechanisms that were hypothesized at the end of sub-case I as well as at the end of the geographical bridge chapter. However, the new information provided by Chapter 9 does not allow me to develop any further hypotheses about further causal mechanisms. In order to do that, I will zoom in on the politics of everyday life in a more particular area within the Deatnu water area. In the following two chapters I will dig deeper and deeper into non-state politics, first by conducting political sociology of knowledge practices (Chapter 10), and then through a political anthropology about the politics of everyday life (Chapter 11).

⁸⁷¹ Måsø 2012a

10.0.0 DEATNU FJORD 2005-2012: POLITICAL SOCIOLOGY

10.1.0 Introduction to the second part of Case II

The focus will now zoom in. The previous chapter provided *thin* information about a *wide* geographical area: a *panorama*. That is the virtue of a conventional political science approach to political fieldwork. However, we also need *thicker* information about more *particular* action situations: a *close-up*. Thus, I will now turn to other forms of political fieldwork, conventionally at home in political sociology and political anthropology. In the following sections, I will anchor the discussion in interviews and observations that took place in particular action situations, at particular places within the wider Deatnu water area. For various reasons, I will limit myself to information about sites in the *downstream* part of the Deatnu water area, mostly the Deatnu fjord: Deanuvuotna. One reason is that this thesis is already long enough, so I had to be selective. Another reason is my limited linguistic capabilities: It is easier to participate in a superficially “norwegianised” community.

The Deatnu Fjord (Deanuvuotna) actualizes particular conflicts about the stewardship of common natural resources. It is the place where the great Deatnu River empties into the Barents Sea. Thus, it is also a place where the Coastal Sámi culture of the coast meets the River Sámi culture of this grandest river of the Sápmi homeland. An ethnically heterogeneous indigenous rights movement is active along the Deatnu River as well as the Barents coast. Where those two ecosystems overlap, we find one of the particularly vibrant locations of the indigenous rights struggle. My fieldwork along the Deatnu River and Fjord, from 2010 until 2012, brought me into contact with this social struggle. During those travels, I met asymmetrical political conflict everywhere, but in the fjord, the conflict appeared as particularly urgent. Locally based leaders claim that the Coastal Sámi culture is in a critical situation because local youth see no future in the locally based livelihoods.⁸⁷²

I owe thanks to Gro Ween for having read through and commented upon an earlier version of this text. My failure is my own responsibility, but the credit for my success should be shared.

⁸⁷² Måsø 2012b

10.2.0 Political sociology: inclusion, resistance, and structural violence

10.2.1 Diagnoses: public claims

When I arrived at the Denuvuotna (Deatnu Fjord), I found myself thrown into a conflict about for rights and proofs. Therefore, whatever proofs I found were bound to become enrolled in the conflict, by some party or another, in order to justify claimed rights. That actualized the question of what proofs to seek, what to look for. Whose research question shall I ask? Whose information shall I disclose? As a scientist I seek to work in relative autonomy from the state. The state is not the exclusive owner of the local natural and cultural heritage, because the salmon biotope and the indigenous homeland are shared between different states. In the Deatnu Water Area, transnational institutions have been beneficial to the efforts to overcome some of the nationalist bias in the development of rights and proofs. Salmon biology has become more reliable (or less unreliable) with help from the North Atlantic Salmon Conservation Organization. International law has become partly de-colonized with the emergence of collective human rights, including the right to indigenous self-determination. With the increasing institutionalization of multilateral organizations, including my own, the European University Institute, it becomes politically possible to inquire questions that were taboo only one generation ago. I am particularly interested in the very most contentious issue in Deanuvuotna: the territorial rights of indigenous people. Who has the right to fish from the local fish stock? Who has the right to regulate the fisheries? Who is in charge of those fish?

What I do to overcome politically biased knowledge is, firstly, to acknowledge that all knowledge production is bound to be positioned in one manner or another, and secondly, to try and look for surprising facts that may challenge prejudice of every kind. I have listened to various voices in the field. The fishery biologist Kjell-Magne Johnsen taught me about how his profession strives to develop more reliable (or less unreliable) techniques to monitor the size of the salmon stock.⁸⁷³ The river fisherman and angler tourist guide Aslak Tapiola thought me to question why no attempts are made to estimate how much of the local salmon is being caught by large vessels in the open sea.⁸⁷⁴ Those represent some of the relevant lessons I learned from my fieldwork in the Deatnu Water Area.

When I zoom in on the downstream waters, I will highlight another of the relevant voices. Bjarne Johansen, leader of the local sea salmon fishers' association, set a political diagnosis in a letter to the editor in a regional newspaper. He stated that "[t]he sea salmon fishermen in coastal Sámi areas still feel like a people with no rights" arguing that this group cannot accept "to take the

⁸⁷³ Interviews: Johnsen, Kjell-Magne, at Tana Bru and at Masjoka River, at several occasions in 2011 and 2012.

⁸⁷⁴ Interview: Tapiola, Alsak (interpreted by Katja Tapiola), at Utsjoki, 6. February, 2011.

whole burden when the salmon fisheries are being regulated”.⁸⁷⁵ The fisherman explained this situation with regard to the struggle for rights, as well as the struggle for proofs. With regard to the *struggle for rights*, he implied that the established channels for political participation are politically biased: “The Sámi parliament has made an agreement with the Ministry of the Environment without discussing this with the local competence that does exist among sea salmon fishermen.” With regard to the *struggle for proofs*, he stated: “People are indignant, and feel punished by researchers who are operating with numbers and graphs with no grounding in reality.” Thus, the *political diagnosis* is supported by an *etiological explanation*, which states that there is an *absence of lawful rights* and a *lack of truthful proofs*.

The view from the fjord fisher is different from, but compatible with, what I learned from the fishery biologist, or from the river fisherman who lives from angling tourism. All of these people have a *shared interest* in maintaining a sustainable salmon stock, as a resource for sustainable fisheries. However, within this frame of this shared interest, there are also *particular interests* that divide them. Which fishers have to restrain their fishing at present so that everyone can keep on fishing in the future? The issue is much debated between fjord fishers, river fishers, and those who derive income from tourist angling. This is an issue for the ongoing deliberation about rights and proofs. Firstly, there is *deliberation about rights*. The fish in the Deatnu Water Area is a shared resource between two nation-states and one stateless people, and the fish also migrates through international waters. The local fish and the local fisheries are part of a common natural and cultural heritage. After the ratification of various international treaties, such as the ICCPR/ICESCR and the NASCO, it is no longer possible for Norway and Finland to manage the shared resources according to particular national interests. State laws are adjusted to fit recent international norms and longstanding local customs. However, how exactly to do that, remains a contentious issue. Secondly, there is also a *deliberation about proofs*. The scientific knowledge practices have gained an increasing independence from particular national interests. The Nordic Sámi Institute pioneered the search for new proofs on legal history. The RKTL research station developed better techniques for field biology. Thirdly, the deliberations about proofs and about rights feed each other and co-evolve. The previously established national bodies of law and national bodies of knowledge are supplemented with legal pluralism and transnational epistemic communities. Knowledge praxes and customary praxes are becoming less limited by the perceived national interests of each state government. There was a highly uneven development of rights and proofs under nationalist state-builders. The ongoing state-re-building, can be seen as an attempt to make the development of rights and proofs slightly less uneven. Should the progress be seen as a glass half full, or a glass half

⁸⁷⁵ Johansen 2011

empty? That depends on one's position and perspective.

When I zoomed in on the Deanudat area, I gained some knowledge about the practical reality experienced by small-scale fisheries in a Coastal Sámi community. Bjarne Johansen implied that there is a profound absence of lawful rights and lack of truthful proofs. The injustice that he experiences is something he ascribes to profound asymmetries of power. For less marginalized interest groups in the Deatnu Water Area, the glass may look half full. For sea salmon fishermen in Deanuvuotna, the glass looks half empty. In the cited letter to the editor, the syndical leader goes on, suggesting that his organization might boycott the consultation organized by the Norwegian Sámi Parliament. It would be wrong to see this rejection as trouble-making; on the contrary, it is a way to counter trouble that has already been made. If it is not possible to have dialogue on equal terms, it may be necessary to reject dialogue in order to obtain the possibility for dialogue on equal terms. If dialogue is constrained by asymmetrical power, then true deliberation has to be contentious.

In this chapter I will trace how Coastal Sámi salmon fishers in Deanuvuotna have empowered themselves, striving to participate on equal terms with some competing interest groups. For this purpose they have combined political entrepreneurship along two different tracks: corporatist channels and political representation have been utilized for political participation, while liberal freedoms and public protests have been utilized for political resistance. This chapter is a political sociology about the dynamics of contention, which are *constrained* by systematically *unequal opportunities*. The political sociology of unequal opportunities actualizes the issues of “structural violence” and of “inclusion” versus “resistance”.

10.2.2 Inclusion or resistance?

Various political entrepreneurs may pursue different paths to constituent power. The association for sea salmon fishers in Deatnu has chosen to reject dialogue on unequal terms. They use the freedom of speech and the freedom of assembly to shape popular public opinion. The Norwegian Sámi Parliament has chosen loyalty to the already constituted procedures. They use ritualized channels of consultation to participate in the policy process. The options are structurally similar to what I have discussed regarding the institutionalization of environmentalist and indigenous politics in Norway and Finland (in Chapter 8). According to John Dryzek and Anne Bregnballe, there is an excess of *political inclusion* in the Nordic states, actually leading to dis-empowerment of the less resourceful participants.⁸⁷⁶ Similarly, Chantal Mouffe has argued, that in some situations, conflictual *political*

⁸⁷⁶ Dryzek, Downes, Hunold, Schlosberg & Hernes 2003; Bregnballe 2005

resistance may be more democratic than harmonic inclusion.⁸⁷⁷ Both paths are included in contemporary theories of democracy. Donatella della Porta draws a distinction between “limited participatory democracy” on the one hand, and “deliberative participatory democracy” on the other.⁸⁷⁸ Limited participation is channeled through codified routines, through state-affiliated organizations such as the Norwegian Federation of Trade Unions (LO) or the Norwegian Sámi Parliament. By contrast, deliberative participation utilizes the freedom of speech and the freedom of assembly to stage public protests and public debates. The aim is to form public opinion, and through that to form political choices. Such is the tension between political inclusion and political resistance under contemporary liberal regimes. However, in the political culture of the Norwegian political entity, the tension between inclusion and resistance date back to an age where political liberties were scarcer. Between 1927 and 1936, the Norwegian Labor Party totally changed its strategy. Before that period, the party had been internationalist and revolutionary, in affiliation with the IWW in the West and the Worker's Opposition in the East.⁸⁷⁹ After that period, however, it embraced corporatism, through two large national compromises, first with the federation of industrialists, and then with the agrarian party.⁸⁸⁰ As I know the Norwegian National Federation of Trade Unions (LO) today, there still is a persistent tension between *corporatist inclusion* and *syndicalist resistance*. I think this is a relevant context in which to interpret the rejectionist strategy suggested by the association of sea salmon fishers in Deatnu. In this chapter, I will describe how fishery interest organizations and indigenous rights organizations along the Barents Coast have been entangled with labor militancy as well as labor party discipline. An interesting example is a petition sent in 1988 from *Samenes Landsforbund* (SLF) to Prime Minister Gro Harlem Brundtland:

Salmon fisheries have been one of the most important bearers of Sámi culture throughout centuries. This is the case for Sámi along the coast, in the fjords, and along the rivers. SLF wishes to remind that many of them have had to tolerate strict limitations in the salmon fisheries. Thus, it is totally unacceptable that *drift net fishermen*, who mainly are *large capitalists*, shall violate ancient Sámi rights. [my emphasis]⁸⁸¹

In this argument, the issue of capitalist exploitation is entangled with the issue of indigenous rights. The argument indicates an intersectionality of two subaltern positions, namely: subordinate class belonging and marginalized ethnic belonging. These are people who have experienced double discrimination, both under corporate capitalism, and under official nationalism. In Deanuuvuotna, the

⁸⁷⁷ Mouffe 2005:

⁸⁷⁸ Della Porta 2011:16-7

⁸⁷⁹ Furre 1996: 69-76, 127-8

⁸⁸⁰ Furre 1996: 129-139

⁸⁸¹ Letter from *Samenes Landsforbund* to the Prime Minister, 1.9.1988, cited in Länsmann 2012:80

struggles for indigenous rights and against corporate capitalism go together. The letter cited above was a contentious action aimed at influencing the policy process internally in the Norwegian Labor Party. The Prime Minister was from this party, and as described in the previous chapter, the chosen strategy of SLF was to work through the same party. Premier Brundtland, like other leaders in her party, used a method of pragmatic *Realpolitik*, but she was also seen as a visionary. She had been the leader of the UN-appointed World Commission of Environment and Development, the report of which had been published one year earlier.⁸⁸² This report, which discussed the concept of “sustainable development”, should therefore be seen as a relevant subtext or context for interpreting the text in the petition from SLF. How to understand sustainable development is still contested today, between the Ministry of the Environment and the association of sea salmon fishers in Deatnu. Only minor changes have taken place since this letter was written. Drift net fishing has been strictly regulated, but other forms of mobile gear used by large vessels still constitute a threat against salt-water salmon fisheries in Coastal Sámi areas.

The choice between inclusion and resistance is found in the context of the labor movement as well as that of the environmental movement. For both of them, rejection or resistance may be a preferred choice, in order to avoid “false” dialogue, that is, dialogue on highly unequal terms. Thus, rejection and resistance is one of the tools used to avoid being dominated, while one builds up resources in order to become capable of meeting the opponent on more equal terms, in a “truer” dialogue. For the labor movement, this is a strategy of labor militancy, even class struggle. For the environmental movement, it is a strategy to empower local communities and niche technologies against technocratic dominance. Political resistance may be played out within the freedom of assembly and the freedom of speech. In other cases it may stretch the boundaries of already established law, such as with civil disobedience, or may be outside the realm of legal actions, as with disruptive actions, material sabotage, or in some cases, even violent resistance. With either path, the aim is to empower one's constituent power.

The strategies suggested by Bjarne Johansen may be mis-interpreted by some as disruptive or destructive. On the one hand he refuses dialogue when the sea salmon fishers are denied the same right to consultation as comparable trades, such as reindeer husbandry. On the other hand, he argues that the politicians base their decisions on numbers that lack roots in reality. Some may misinterpret this as sabotage of a joint effort towards more just rights and more valid data. He insists that the glass is half empty rather than half full. That is because he belongs to one of the groups that suffer from the glass being half empty, and do not profit from the glass being half full. This group experience a practical reality where the most conventional repertoires of action have proven

⁸⁸² World Commission on Environment and Development 1987

impotent, and where somewhat more drastic tactics are necessary. If I am correct in my analysis, namely that fisher-peasants in Coastal Sámi areas have been marginalized both by Norwegian nationalism and by corporate capitalism, then this may imply that their structural position is so unfavorable that political entrepreneurship depends both on protection from a big political party and also on the capacity to challenge the same political party: a combination of corporatist inclusion and syndicalist resistance.

10.2.3 Structural violence?

Different persons may enjoy highly unequal life chances, even in spite of equal liberal rights. The consequences are concrete. The poor tend to have a higher prevalence of illness and earlier mortality, when compared to the rich. Unequal life chances are a fact of life, and a reason why collective human rights were created as an addition to state rights and individual rights. After all, the ICESCR refers not only to cultural rights, but to social and economic ones as well. The right to indigenous self-determination is not only the right to speak your native language, and to keep folk art alive. It is a right to freedom from discrimination, a right to freedom from colonization. This is why the right to use natural resources in Sápmi is so contentious. Least contentious is the right to maintain Sámi reindeer nomadism. This is profitable for the GDP of the states. More controversial is the right to harvest berries and to fish in mountain lakes. After five hundred years of ethnic and cultural mixing, it is impossible to define a clear boundary between indigenous persons and the prodigy of settlers, and many settlers were anyway other subalterns from other peripheral areas. The Sámi Rights Commission interpreted the indigenous right to freedom from racial discrimination and land grabbing as meaning that everyone who lives permanently in the local community should have the right to use the local natural resources. However, the most controversial issue is the right to harvest the rich fish resources along the Barents Coast. The sole reason is not that the coastal areas are ethnically and culturally mixed. That is the case for many areas in Sápmi. What is more unique for the Coastal Sámi areas is that if the local fisher-peasants are the primary right holders to use local fish stocks in their local waters, then this will pose a challenge to strong vested interests. The governments of Norway and Russia manage their coastal waters as national commons, not regional commons. Thus, the state builders have made laws that allow them to use coercive force to ensure the fishing rights of larger vessels owned by investors located at more central places in the polities. The struggle for indigenous rights in Coastal Sámi areas challenges the Norwegian and Russian fishery capitalists that rule the Barents Coast. Because strong capital interests are at stake, the socio-economic dimension of the ICESCR becomes more immediately

visible along the Sámi Coast than in Inner Sápmi.⁸⁸³

Socio-economic inequality is one of the issues that sociologists can research with relatively “hard” scientific methods. Raymond Boudon and Pierre Bourdieu were amongst those who shaped a paradigm of quantitative research on a form of social heritage: how class positions are socially reproduced from one generation to the next. This paradigm is rather strong in Norwegian sociology.⁸⁸⁴ Stein Rokkan and Ottar Brox were amongst those who inquired about the geographical dimension of social inequality. Still, they never addressed Sápmi as a trans-boundary region, even if this came in focus in 1970, when Per Otnes published his (in)famous book *The Sámi Nation*. This was part of a wave of literature on “internal colonialism” within Western Europe.⁸⁸⁵ One generation later, Otnes looked back at the reception of his book. After the reports from the Norwegian Sámi Rights Commission, his book did not look as scandalous as before. Therefore, he concluded, the book had stirred controversy because it disclosed actual *structural violence*. This term is borrowed from Bourdieu's research on social reproduction. The metaphor refers to the systematically unequal opportunities experienced by children of different socio-economic classes. When zooming in on how school syllabi contribute to reproduction of social inequality, Bourdieu and Passeron talk about *symbolic violence*. For more than a century, the national school system was an instrument of forced cultural assimilation of the Sámi, especially in coastal areas.⁸⁸⁶ Symbolic violence is the cognitive dimension of structural violence. Some might consider the metaphor “violence” to be misleading, especially because social reproduction is being executed by everyone, including by persons with the best intentions. Whether the metaphor is exaggerated or not, it nevertheless refers to the (corpo)real suffering of real human beings, and appears to be the aggregate product of mundane everyday routines. One typical example of such a phenomenon is the uneven development of rights and proofs in Coastal Sámi areas. Within this process, the cognitive dimension is the struggle for proof. If valid proofs are being neglected, or if relevant research questions remain under-researched, then it may not be incorrect to characterize the consequences as symbolic violence.

Two competing descriptions of the same reality stand against each other in the struggle for rights and proofs in Deanuvtotna and neighbouring fjords. *On one side* are those who claim that the states are correct to treat the coastal fish resources as the *national commons* of Norway, with the

⁸⁸³ The UN Human Rights Council considers breaches of the ICCPR, whereas the ICESCR lacks strong implementation (see part 2.1.1, in particular the footnote regarding the decolonisation of human rights law). Freedom from *socio-economic discrimination* is a human right according to the ICESCR. Freedom from *socio-cultural discrimination* is also a human right, not only according to the ICESCR, but also according to the ICCPR §27. However, there is some precedence for the UN Human Rights Council to define the indigenous right to freedom from *socio-cultural discrimination* (according to ICCPR §27) as including the *right to traditional livelihood* (Scheinin 2000, 2004). This practice, however, does not consider any human right to freedom from forced socio-economic underdevelopment.

⁸⁸⁴ Marianne Nordli-Hansen is an eminent example of this paradigm in Norwegian sociology

⁸⁸⁵ Otnes 1970: 218; Lafont, 1967; Homme 1969

⁸⁸⁶ Minde 2005a

restrictions demanded by NASCO. *On the other side* are those who claim that, according to international law, the local fish should in fact be a *regional commons* for the local people in Sápmi, also with the restrictions demanded by NASCO. The Norwegian Ministry of Fisheries has given two contradictory reports on the issue. In 2005, the Ministry followed the lawyer Peter Ørebech, in stating that there is no such thing as Sea Sámi culture, because Sámi fishermen use the same industrially produced tools as other fishermen do.⁸⁸⁷ Two years later, in 2008, the ministry took the opposite stance, with a report about Sámi and local fishery rights along the Finnmark Coast. Here, it was stated that Sámi culture has continued to develop throughout the modern day, adapting the same tools as the surrounding culture, but adopting them to practices with specific forms of language, lore and norms⁸⁸⁸. Those two reports provide contradictory interpretations of the proof, and lead to contradictory interpretations of rights. The 2005 version implies that the historical assimilation policies were so effective that there are no longer any indigenous people along the Barents Coast. Consequently, the ICCPR §1 and ICESCR §1 would simply imply state sovereignty in fjords such as Deanuvuotna. By contrast, the 2008 report implies that in Coastal Sápmi, as in Inner Sápmi, longstanding customary praxes and knowledge praxes were continuously maintained and developed regardless of whether these were codified, criminalized or ignored by the state. Consequently, the implication of this report is that the ICCPR §1 and ICESCR §1 would demand *both* indigenous self-determination *and* state sovereignty in fjords such as Deanuvuotna. Thus, there are competing interpretations of international norms that regulate the sustainable use of salmon resources in Deanuvuotna. Both sides of the conflict have a shared interest in a sustainable salmon stock, and thus, they adhere to the collective management of North Atlantic salmon as a global common, through NASCO. However, how should the different forms of fishery share the burden of regulation? That is the conflict. Industrial fisheries justify their stance with the 2005 report, according to which the human right to popular self-determination is interpreted *nationalistically*. Locally based small-scale fisheries, by contrast, justify their stance with the 2008 report. This implies that the human right to popular self-determination is interpreted in postcolonial terms, as an obligation for states to heal the harm they have done through nationalist and colonialist resource grabbing.

Those two competing versions of the truth are accepted by different clusters of social actors. The 2005 report, which denied the relevance of indigenous human rights, has informed the official stand point of the Norwegian parliament and government. The 2008 report, by contrast, which demands implementation of indigenous human rights, is the one accepted among experts in cultural and social sciences. If the social scientists are right that the pro-Sámi 2008 report is correct, then the

⁸⁸⁷ Norwegian Ministry of Fishery 2005: 10, chpt 3.2, cited in Eyþórsson 2008: 209

⁸⁸⁸ Norwegian Ministry of Fishery 2008: 5

Norwegian political establishment is wrong, and that would also constitute an economic threat to the Norwegian fishery capitalists. This also means that if, in fact, the pro-indigenous report is correct, then the policy process so far may not have been determined by the power of the better argument. In this chapter, I will trace the policy process in which the two reports were involved. In the following chapter, I will provide some evidence in support of the pro-Sámi 2008 report. Thus, at the end of the following chapter, I will conclude that the policy process so far has indeed not been determined by the power of the better argument, but rather by a mechanism that I call “arguments matter, resources decide”.

10.3.0 State transformation in practice in one fjord area

10.3.1 On the track to human rights in Coastal Sápmi?

What does some of the sociological evidence tell us about participation, resistance and structural violence in downstream Deatnu? During my fieldwork I gathered thematically relevant samples of information.

Now, I will take the reader with me, back to some relevant sites in the field. These are particular “nodes of power” in the local environment. They are material sites where several praxis nets run together into shared pools of praxes, and from which further praxis nets emanate. Such are local nodes where social power is being generated and maintained.

First, we will visit the district court house, situated along the downstream Deatnu River. Then we will proceed to the local community house in Deanudat, a fjord arm of the Deanuvtotna Fjord. Finally, we will visit a local public debate in the pages of a regional newspaper, *Finnmarken*. The latter is actually produced in Kirkenes, a town in the proximity of the Deatnu River, but what interests me here is how local people in downstream Deatnu use this newspaper as a medium of public deliberation. This networked approach to local and multilevel politics could be theorized as “networks of adjacent action situations”, or as “actor-networks”, in terms of SES or ANT, respectively. Those nodes of power are meeting places between already constituted policy networks, already constituted kinship networks, and potentially constituent issue networks. Thus, we will get on the track of some particular paths of participation and resistance.

As in the previous sociological chapter (Chapter 7), the present chapter also makes use of a historical-sociological approach. However, unlike the previous sociological chapter, the present one does not build on data from any historical chapter. Instead, I will introduce to the reader some

selected historical glimpses, starting with traces of the past that are found at the selected nodes of power. From the district court house, I will trace back to the Coastal Sámi Awakening, which emerged towards the end of the more spectacular Alta-dam struggle. From the local community house in Deanudat, we will follow traces left behind after a policy process led by the Coastal Fisheries Commission, which failed to make the state recognize Coastal Sámi rights. With the newspaper debates in Finnmarken I will use selected samples to show where the contention stood in the recent past, 2011. When I choose to provide historical background in the form of flash-backs the reason is not (only) stylistic. The purpose is (also) to expose the reader to how contemporary knowledge about the past is embedded in contemporary practice and needs. All history is “contemporary history”, as Benedetto Croce famously put it.⁸⁸⁹ The three historical fragments I have chosen trace some of the causal chains from the beginning of the Coastal Sámi awakening until the contemporary indigenous human rights struggle in Coastal Sápmi. Thus, I will zoom in on a particular part of the history, which was slightly ignored in the earlier historical chapters (Chapters 6-8).

The selected historical samples are contextualized by the selected samples of contemporary nodes of local social power. However, at the same time, the selected nodes of power are partially explained by the selected historical samples. Together they provide a socio-materially situated entrance to the ongoing indigenous human rights struggle in Coastal Sápmi.

10.3.2 One regional node of empowerment: the district court house

The district court house in Tana Bru was the starting point and entry point for my political fieldwork. This is the site where I started to learn about the contemporary situation of the indigenous human rights struggle in Deanuvuotna, the Deatnu water area, and Sápmi. The courthouse was also the site where I began to learn about the collective memories about past struggles, and this is where I gained access to information that helped me to learn more about the contemporary effort to shape the future course of that struggle.

⁸⁸⁹ For a comment, see Carr 1987 (1961): 20-21. The original statement is: “Il bisogno pratico, che è nel fondo di ogni giudizio storico, conferisce a ogni storia il carattere di “storia contemporanea”, perché, per remoti e remotissimi che sembrino cronologicamente i fatti che vi entrano, essa è, in realtà, storia sempre riferita al bisogno e alla situazione presente, nella quale quei fatti propagano le loro vibrazioni.” (Croce 1938) Cited in: http://it.wikiquote.org/wiki/Benedetto_Croce last accessed 16. May 2014.



Figure 10-1: The District Court House – one local node of power

Left: Inner Finnmark District Court, at the municipal centre Tana Bru, September 2010.

Right: Cover of “Sjølaksefisket i Finnmark”, report to the Finnmark Commission, June 2010.

“Diggegoddí”. During my fieldwork, I was thrown directly into turbulent political waters, and had to learn to swim. My first introduction to Deanudat and fjord salmon fishing happened outside the Deatnu Fjord. Along the lower parts of the Deatnu River there is a special courthouse, or *diggegoddí* in North Sámi. I had been there before, to be trained in conflict mediation by indigenous people from the Yukon River. Therefore I went here when my fieldwork started in September 2010. Chief judge Schanche Selfors welcomed me back. I was at the seat of Inner Finnmark District Court. It has a special mandate: to judge in local cases by considering both Norwegian state law and local Sámi custom. That might be a tricky task. There is often a rather unclear relationship between those two sets of norms. In the “*diggegoddí*”, I also met another judge from another court. Anne-Marit Pedersen works for the Finnmark Commission. Their secretariat is at the “*diggegoddí*”, and therefore Pedersen was here. She agreed to meet for a long interview. She told me about the mandate of the Finnmark Commission. It is supposed to clarify the relationship between Norwegian state law and local Sámi customs in the area. It had been created to work with land and water issues on the inland of Finnmark County. However, more recently, it had also been given the task of clarifying rights to use salt waters in fjord and coastal areas along the County. Three months earlier, they had finalized a report regarding traditional salmon fishing in these waters.

Juridical pluralism: The Finnmark Commission is a special court that was constituted in order to investigate every single claim regarding the right to land and water within Finnmark County. Many local people claim that they own the right to use specific natural resources, by reference to longstanding customs. Some claim that local customs have been continuously

maintained since the age of the *siida*-system, regardless of whether these were codified, criminalised or ignored by state law.⁸⁹⁰ After international law has recognised the right of indigenous peoples to be free from racial discrimination and resource grabbing, and after the state legislators have recognized these international norms, there is an ongoing effort within state legislation to legalise some longstanding local customs, which previously were subject to (theoretical) criminalisation by state legislators.⁸⁹¹ After the state ratified the relevant international laws, its judiciary and legislative powers faced a paradox: The state now recognized that the state had unlawfully outlawed local customary laws! It had a lot to clarify. Exactly what local customs had become decriminalized? What practices should still constitute a crime, according to one or both sets of norms? Such questions are to be considered by the Finnmark Commission. This court has a large degree of autonomy, and commissions its own reports. However, in cases of controversy, the judge told me, their decisions might be appealed to the Norwegian Supreme Court. However, the present situation of legal pluralism also include complex regional and global human rights regimes, where the citizens enjoy the right to draft complains before the UN Human Rights Council and the European Court of Human Rights.⁸⁹² Jurisdictional authority has become complex, after the state has ratified international laws, and thus accepted legal pluralism.

Who is in charge of those fish? When judge Pedersen gave me the report on sea salmon fisheries in September 2010, it had been delivered to the Finnmark Commission only three months earlier, in June. Experts in various fields had contributed: biology, law, history, sociology and anthropology. One chapter dealt with the political sociology of political mobilization amongst traditional salmon fishermen in the fjords. (Here I found the citation from the petition from SLA to premier Brundtland, which was cited above.) The chapter traced the mobilization until three months before the report had been delivered. In April 2010, the UN special rapporteur had received a declaration from the coastal Sámi fishery organization Bivdi.

The UN special rapporteur for indigenous issues had met with local indigenous rights organizations in Rovaniemi, a city in the Finnish part of Sápmi. Amongst the participants were the coastal Sámi fishery organization Bivdi. The name "Bivdi" is a North Sámi word referring to persons engaged in hunting, gathering and fishing. Bivdi declared: *"Detailed decisions regarding management of marine resources are today taken centrally, without any local levels having*

⁸⁹⁰ Jebens 2010: 22

⁸⁹¹ The actual situation of legal pluralism has resemblances with the Latin American situation, where 500 years of resistance from native Americans has resulted in transformations of constitutional law, where the actual social legitimacy of longstanding customs can no longer be simply denied (Anaya 2004: 7; Neves 2013; Bailey & Mattei 2012; Agnew & Oslender 2010, 2013, thanks to Paul Routledge for the latter reference). See also part 2.2.2, in particular the long footnote on how to define "jurisdiction" and "sovereignty"; and part 4.3.6, in particular Figure 4.2.

⁸⁹² For more background information, see part 8.6.1, in particular the footnote regarding the *right to appeal*. For a more particular argument about the possibilities for Coastal Sámi interest groups to make complains through the international human rights regime, see part 10.3.8, including the footnote on precedence.

decisional power. The local communities have been put on the side also regarding their own resource management.”⁸⁹³ This statement is strong when uttered in the context of international norms on indigenous rights. The UN and ILO conventions on indigenous rights suggest that in indigenous homelands, local people should be in control of the natural resources, because those resources are integral to their traditional livelihood and culture. Therefore, arguments about indigenous rights not only deal with jurisprudence and legal history, but equally with cultural and economic anthropology. An anthropologist had written the final chapter of the report.⁸⁹⁴ She had conducted fieldwork in the Deatnu valley before me. She emphasized that, in order to investigate the cultural significance of fjord salmon fisheries, surveys and interviews were not enough. Participant observation was necessary.

In the summary, she observed that salmon fishing in the fjords endures in spite of strict regulations, and that salmon fisheries serve several functions for the community: it is of central importance to maintain traditional knowledge about nature; it is a key asset in the maintenance of gift economy, and finally; it is a source of income, thereby contributing to the fjord fishermen’s combination of different livelihoods, which secures flexibility and adaptability.⁸⁹⁵ In sum, she stated that salmon fishery has special functions for the local community in terms of cultural and economic anthropology, and that therefore, it contributes significantly to the maintenance of the coastal Sámi form of life, which in itself is a contribution to bio-cultural diversity and sustainability.⁸⁹⁶ My impression is that the rights of traditional salt water salmon fisheries had gained an *additional significance* as a *symbolic issue* for the indigenous rights struggle in Coastal Sámi areas. This symbolic meaning had not been chosen arbitrarily, or out of convention. On the contrary, salt water salmon fishing appears to be one of the livelihood adaptations that have special cultural significance for the continuous maintenance and development of the Sámi socio-ecological organisation. The symbolic status of “sea salmon fishing” reflects the fact that it this fishery is among those cultural praxes that have a key function for the maintenance of the Coastal Sámi form of life. This *is not* to say that the salmon is the most *financially significant* catch for Coastal Sámi fishery households, but that *it is* among the most *socio-economically and socio-culturally significant* catches for Coastal Sámi communities. If this analysis is correct, and if it really is correct to regard the coastal Sámi people as an indigenous people, then the mentioned UN and ILO norms are relevant to the question: Who is in charge of those fish? Answer: The local population is. The right to harvest from local fish stocks along the Barents Coast has been a controversial topic since the industrialization of fisheries. However, it is only after the *Coastal Sámi Rebellion* that this conflict has become defined as an

⁸⁹³ Minutes from from "Sjølaksemøte i Lakselv", 31.10.2009, cited in Länsmann 2010

⁸⁹⁴ Ween 2010

⁸⁹⁵ Finnmark Commission 2010: 10

⁸⁹⁶ Ween 2010

issue about cultural, social and economic human rights. Let us take a look at some memories of that historic struggle.

10.3.3 Memories of the Coastal Sámi Rebellion

At the district court house, I was introduced to a collective memory about the genealogy of the indigenous human rights struggle in Coastal Sápmi. Some documented historical proof was presented in the report from the Finnmark Commission regarding the regulation of salmon fisheries. In this report, the sociologist Trine Länsmann has traced how local fishermen organized themselves in response to regulations they perceived as unfair. This may be a relevant entrance to the Coastal Sámi Rebellion, and thus, to the dynamics of contention in this coastal Sámi environment. Let us start with a document that Länsmann found in the archive at the Deatnu office of the Norwegian Labor Party. In Deatnu, in 1988, the local contingent of the Norwegian Labor Party declared that it was unfit for a Labor Party government to take away resources from the local people and give them to others.⁸⁹⁷ The contentious issue was about salmon fisheries in salt water. There was a peculiar political bias in the government's protection of wild salmon. Drift net fishing by larger vessels from southern Norway had escaped regulation, while the locally based small-scale salmon fishing was governed by strict regulations. The political struggle was being played out within the Labor Party. A Coastal Sámi “rebellion” was spreading from fjord to fjord. The wave had started four years earlier, in the neighbouring Porsanger fjord, west of Deatnu fjord, and east of Alta fjord. In 1984, some fishermen in Porsanger had sent a petition to the Ministry of the Environment. They had pointed out that the Ministry of the Environment imposed restrictions on the small-scale gill net fishing of local fjord fishermen, while accepting that larger vessels from Southern Norway use drift nets in the same fjords, catching much young salmon.⁸⁹⁸ The issue had emerged in the shadow of the publicly better-known Alta-dam struggle. That struggle had put Sámi ethnicity on the public agenda. However, in 1973, when the Sámi association NSR (*Norske Samers Riksforbund*) supported public civil disobedience, many coastal Sámi found it unacceptable. Some of those coastal Sámi founded SLF (*Samenes Landsforbund*) as an alternative Sámi association, loyal to the Norwegian Labor Party.⁸⁹⁹ However, SLF had immediately become involved in the less spectacular struggle against drift net fishing in Porsanger fjord. When the fishermen in Porsanger had sent their petition in 1984, they had been organized as a local contingent of SLF. When fishermen in Porsanger had mobilized through SLF, it had provoked their suspension from the Association of Norwegian Fishermen

⁸⁹⁷ Tana arbeiderpartis møtebok, 16.2.1988, cited in Länsmann 2012:80

⁸⁹⁸ Porsanger SLF archive, issue 24/83, cited in Länsmann 2012:79

⁸⁹⁹ Eypórsson 2008:173

(*Fiskarlaget*). The association declared that it was unacceptable that Coastal Sámi organizations got involved in fishery management. This national fishery organization had gradually come under the control of new capital-intensive fisheries, and their interests differed from those of small-scale coastal and fjord fishermen. A competing interest organization was created in 1987, the Association of Coastal Fishermen (*Kystfiskarlaget*), which organized small-scale fisheries operating locally in their home fjords.⁹⁰⁰ The new organizations, SLF and the Association of Coastal Fishermen, were capable of constituting a bloc of counter-power. From 1987 until 1989, the government vacillated, but eventually ended up regulating the drift net fishing in the fjords. The policy process was then at a critical stage. In 1988, the same year as the Deatnu contingent of the Norwegian Labor Party took a stance against the Labor Party Government, Prime Minister Brundtland also received a petition from the central committee of SLF.⁹⁰¹ An excerpt from the letter was cited above. In 1989 the government started to regulate drift net fishing. However, even today, small-scale fishermen accuse larger vessels from outside of over-exploiting the salmon stock with their mobile fishing gear.⁹⁰²

The report from the Finnmark Commission had a specific mandate. It mainly dealt with legal history, and the documents Länsmann had found were used to serve that purpose. However, we can also read the historical texts she found in the context of political history. I have mentioned the Norwegian Labor Party as particularly important for Coastal Sámi politics. Thus, the history of this party might be a relevant context for re-reading the archival data presented by Länsmann.

The drift net controversy was a struggle within the Norwegian Labor Party. It was not only about SLF and indigenous rights. This was also about the Association of Fjord Fishermen, and an economic conflict involving competing forms of fishery. Local small-scale fisheries stood against national large-scale fisheries. There was the centre versus the periphery, and there was corporate fishery-industrialists versus self-employed fishery-labourers. Such dimensions have been emphasized by social scientists, from Stein Rokkan through Ottar Brox. In the same tradition was *The History of Northern Norway* written, by the editor of regional newspaper *Nordlys* (Northern Light), which is close to the Labor Party. In this book we meet with a long tradition for labor militancy dating back to the early 1900s.⁹⁰³ The Party was a revolutionary socialist party during its radical youth, until 1936. After 1945, it had reached its maturity as a national catch-all party. During The Second World War, the Labor Party government and the king had been exiled in London. They had come closer to each other, to the Western powers, and to the guerrilla *Milorg*, which took its orders from London. However, the war had been harsher in the northernmost region of the nation-state. The occupation army had used the tactic of the burned soil, and the partisans of the area been

⁹⁰⁰ Kvalvik 2010

⁹⁰¹ Letter from *Samenes Landsforbund* to the Prime Minister, 1.9.1988, cited in Länsmann 2012:80

⁹⁰² Pedersen 2012: 53

⁹⁰³ Jaklin 2004

coordinated from Murmansk. The communist party in Finnmark gained strong support in the first parliamentary election after the occupation. During the first part of the Cold War, the population of Finnmark might have been closer to Moscow than to Washington. While class peace had been made in the central areas of Southern Norway, labor militancy prevailed in the Northern periphery. In the post-war era, Labor as a national catchall party had to accommodate Labor as a radical socialist party.

Those phases have left an ambiguous heritage. During the Coastal Sámi Rebellion, the struggle about regulation of the salmon stock was a fight for control over the means of production. The issues about gill netting and drift netting were the technical articulation of the conflict, but the economic interests at stake were labor against capital, the periphery against the centre. Gill netting was a technique used by local self-employed fishery-labourers, while drift netting was the tool of national fishery-industrialists. When this conflict was channeled through the Labor Party, Labor as a radical socialist party stood against Labor as a national catchall party.

The Coastal Sámi Rebellion was a process where the struggle for control of coastal fishery resources became defined as an issue of cultural, social and economic human rights. The conflict was in part re-defined from class struggle to indigenous rights struggle. Class consciousness and indigenous identity are rather different identity markers, but the change from the one to the other is not arbitrary, because both are intrinsically associated with conflict about economic interests. Indigenous human rights are not principally concerned with the right to speak an unusual language, represent, first and foremost, a right to freedom from ethnic discrimination and colonial exploitation. The ICESCR is an attempt to heal the illiberal bias of corporate capitalism. Trawler capitalism in the Barents Sea is the adversary of the struggle for sustainable local communities in Coastal Sápmi, and this is a continuous struggle. Let us return to the present, to find traces of recent developments.

10.3.4 Another regional node of empowerment: the community house

Let us return to the contemporary time. The district court house in Tana Bru was the starting point and entry point for my political fieldwork. This is where I started to learn about the legal history that put me on the track of the genealogy of the indigenous rights struggle in Coastal Sápmi, and this is the story that I have just told. However, the courthouse also was the site where I *gained access* to further fieldwork in the fjord area. To gain access is to build trust. To build trust is to convince others that one will do no harm. When observing the continuous struggle for rights, I provide input to the continuous struggle for proofs. All political sociology becomes sociological

intervention. The committed human rights lawyers know the potential power of proof. I met with them in their own homely waters, where they were the ones who knew how to navigate. Therefore, I could not simply interview them, without at the same time, them interviewing me. I fished for information of *potential relevance to my research*. They fished for reliable research of *potential relevance to the human rights cause*. In this conversation, *potential relevance* was one main concern for both parties. If we could find *topics of shared relevance*, then we would also have a joint interest in tighter collaboration.

An invitation to Deanudat: In the conversation with Judge Pedersen, I asked questions of relevance to European Political and Social Science. The judge might have found such questions potentially useful, since she invited me to visit her and her husband's summerhouse in Deanudat. This particular fjord arm of the Deanuvuotna Fjord is the place of origin of her father, the historian Steinar Pedersen, as well as her cousin (his niece), the politician Helga Pedersen. Thus, my entry point to the Deanudat community would be through the Pedersen family, who tend to be political entrepreneurs. However, when eventually I arrived there, I would bond just as much with the Larsen family, several of whom are small business entrepreneurs. Both forms of entrepreneurship can be seen as strategies for empowerment of the local community.

The conversations with human rights judges at the district court house were my entry point to some of the political entrepreneurs in Deanuvuotna. My conversations with those political entrepreneurs would be my entry point to some of the social entrepreneurs as well. As an approach to data selection, this may be called “snowball rolling”: by doing one relevant interview, I gain new information and contacts that enable me to do the next relevant interview. This is how data are *accessed* to begin with, and because the process is *selective*, it gives a *positioned* form of knowledge. In short: *access is position* for political fieldwork. When presenting findings from political fieldwork, one should not pretend to be neutral, but in addition to being empirical and nuanced, one should also observe one's own positionality. When one's positionality is made explicit, then it is a way to control for bias and avoid engaging in propaganda. In the next chapter, I will present samples of participant observation from Deanudat and two other fjord arms in the Deanuvuotna Fjord. For now, however, I will give only one sample, from the local community house, which actualizes the conspicuous absence of some particular reforms.



Figure 10-2: The community house – another node of power

Left: The church and "grendehus" in Deanudat, August 2011.

Right: Cover of the report from the Coastal Fishery Committee, February 2008.

***“Grendehus”:** My field trip brought me to the local church in Deanudat, which also serves as grendehus. This Norwegian word refers to a house where a small countryside community gathers for special occasions. I met nobody there. It was August 2011. Big celebration had taken place four and a half year earlier. In February 2008, the government-appointed Coastal Fishery Commission had presented its proposal. But by my visit, the celebration had ended long ago. Here was little participant observation to be done. My visit to the local church and “grendehus” was more of a political pilgrimage.*

In order to trace the policy process, I must use written sources. Let us have a look at textual traces from the storm that had blown through along the coast three years earlier.

10.3.5 Memories from the Coastal Fisheries Commission

Journalists from Norwegian and Sámi media were reporting when fisheries minister Helga Pedersen returned to her own homeland to present the report from the Committee. According to the state television channel, the proposal awoke a veritable “storm” along the coast. In the end, the minister gave in for the storm.⁹⁰⁴ The autumn 2009, she rejected the principal suggestion of the Committee that she herself had appointed, but her government supported some of its minor suggestions, and proposed those for the national Parliament. During obligatory consultations, the Norwegian Sámi Parliament stated that it supported the government's proposals, while also expressing regret that the

⁹⁰⁴ Horn 2009

principal suggestion of the Committee had been rejected.⁹⁰⁵ The storm had been too harsh. What was this proposal that had awoken such a storm? And why? Both economic interests and ethnic belonging were at stake.

Policy process: When the Coastal Fishing Committee presented its proposal in February 2008, this had become possible because of the indigenous rights struggle. Convention number 169 of the International Labor Organization (ILO 169) suggests that indigenous peoples and tribes peoples have the right to control the natural resources that are integral to their traditional livelihoods. The Norwegian state ratified the convention in 1990, following the advice of the Sámi Rights Commission. The Norwegian Sámi Parliament had been established the year before. In 2005, the new *Glasnost* towards the indigenous people resulted in the Finnmark Act, regarding ownership of land and water on the mainland of the northernmost county. The so-called state lands were now to be managed as a joint venture between the Norwegian nation, the Sámi people and the local population. The new “Finnmark Estate” was to organize this, and the three different interests were to be represented by the state government, the Norwegian Sámi Parliament, and the regional democratic body for Finnmark County (*Finnmark fylkeskommune*). Additionally, the Finnmark Commission was created, in order to assess all species of longstanding rights within the territory of the Finnmark Estate.⁹⁰⁶ This institutional arrangement is an ongoing experiment in how the ILO 169 Convention might be applied. The Coastal Fisheries Commission was a continuation of the same process, as it dealt with the salt waters along the Finnmark coast. The Coastal Fisheries Commission worked according to the same premises as the Finnmark Act. The commission was led by Carsten Smith, the same supreme judge who had led the Sámi Rights Commission. The fishery controversies along the western part of the Barents Coast were now channeled through the policy process for indigenous rights. In their report, the Coastal Fisheries Commission suggested that state law should recognize that the local people of Finnmark County enjoy special fishing rights along the coastline, and also that there exists a special fjord right for the local population. Those rights were to be managed by a proposed governing body similar to the Finnmark Estate. This awoke the storm.

Political storm: The reformists had pushed Norwegian *Glasnost* to its limits. A significant reason may be that large economic interests were at stake. The Committee had suggested that fishing along the Finnmark Coast was a right for the local people, that this right was grounded in longstanding customs and in international treaties that the state had ratified, and therefore, that state

⁹⁰⁵ Norwegian Sámi parliament, plenary case SP 27/2011, cited in Pedersen 2012:59

⁹⁰⁶ For more on the political process that brought about the Finnmark Commission and the Outfield Court, see part 8.6.1, which includes a footnote on the *right to appeal*, and part 9.2.3. For further arguments about the opportunities for Coastal Sámi groups to defend their indigenous human rights through these institutions, and through the international human rights regimes, see 10.3.8, including the footnote on precedence.

law had to recognize this local right.⁹⁰⁷ The view that fishing rights belong to the local population breaks radically with the view that fish stocks are so-called “national resources”.⁹⁰⁸ Thus, it breaks with “the practice that is established in the fishery management, to not discriminate fishermen according to where they live” – as long as they *belong to the Norwegian nation*.⁹⁰⁹ Norwegian policy documents often refer to “the common good” (*allmennhetens interesse*) as the common good of either *all Norwegian citizens*, or alternatively, of everyone who is allowed by Norwegian state law to be on its territory. The latter category may be relatively wide, after Norway became part of the EEA agreement. Nevertheless, the common good is no global common; it is a common good for some legally defined community. How to define that community is controversial in the homeland of an indigenous people that is divided by state boundaries. The concepts of national rights and national self-determination are so well established that many people habitually regard commons as national commons.⁹¹⁰ Therefore, it appears unorthodox to talk about regional rights and regional commons. In fact, however, local commons are no more particularistic than national commons. “Methodological nationalism and statism” which has been criticized in political science,⁹¹¹ exists in political practice as well. The actual political boundaries are not in sync with the actual ecological and cultural complexity of the Deatnu Fjord and River area.

The political distance between (Norwegian) nationalism and (Sámi) regionalism is a considerable one. Legal historians are discussing whether local people on the Finnish side of the Deatnu River might have an ancient right to fish in the Deatnu Fjord. Documentation is found in old treaties dating back to the early territorial states.⁹¹² During the age of despotism, the kingdoms had recognized the rights of various “nations” or population groups within their dominions, even recognizing old rights to use resources across state borders. The treaties were never cancelled, but their application changed during the age of nationalism. Historians are now putting together the lost pieces, slowly reconstructing the knowledge of how the Finnish-Norwegian border was closed in 1852.⁹¹³ Coastal Sámi fisher-peasants were supposed to become Norwegian in order to enjoy the comforts of modernity.⁹¹⁴ Fishing vessels from Southern Norway started to extract resources from

⁹⁰⁷ Pedersen 2012: 56

⁹⁰⁸ Eyþórsson 2008: 236

⁹⁰⁹ Eyþórsson 2008: 236

⁹¹⁰ As the lawyer Ugo Mattei (2011) points out, the common good is not equal to the national good, as common property is not the same as state property. In my view, such a legal view may represent a break with Roman Law. The Roman Empire was a boundless empire with pretensions of global jurisdiction. Therefore Roman Law is not automatically fit for contemporary rights to land and water, that are territorially bounded by national sovereignty and indigenous self-determination. Roman Law was jurisdiction for imperialism, not for popular self-determination.

⁹¹¹ Bauböck 2008

⁹¹² Pedersen 2012: 60-75

⁹¹³ Pedersen (doktoravhandling utgitt på Diedut)

⁹¹⁴ Minde 2005a; Eriksen and Niemi 1981; see Kramvig 2005

the fjords where these fisher-peasants lived.⁹¹⁵ They still do. Therefore, the Commission's suggestion constituted a provocation to strongly vested capital interests, especially Southern Norwegian owners of larger vessels. The Association of Norwegian Fishermen reacted.⁹¹⁶

The Commission had taken a conciliatory approach. It suggested that old fishing rights, which had been taken away from some groups and given to others, could be bought back to the original right-holders through the market for tradable fishing quotas.⁹¹⁷ Thus, there would be no expropriation without compensation. That was not enough for the Association of Norwegian Fishermen. When socio-economic gain is measured in GDP, individual profit for capital owners in Southwestern Norway is presented as a patriotic act, empowering the nation as a whole in international competition against other nations. Such an argument is a nationalist way of doing politics, and it still has currency. Through the ongoing process of European integration, the nationalist way of doing politics is gradually being replaced by more federalist arrangements. However, in 2008, the proposal made by the Coastal Fishery Association was still quite bold. The Icelandic fishery researcher Einar Eypórssón commented: “When regarding the past, and how Coastal Sámi demands have been met in the previous century, the proposal of the Coastal Fishing Committee is nearly revolutionary.”⁹¹⁸ This was while the outcome of the policy process was not yet clear. The argument continued “How [the Commission's proposal] will be followed up during the years to come, will of course, depend on the political authorities. The struggle about the fjord resources has not ended.” The struggle had indeed not ended. The proposal that Eypórssón characterized as “nearly revolutionary” would awaken a political storm. The proposal met with immediate resistance. Hearings from various organizations and state agencies showed that many were supporting the *status quo*. Thus, they supported the view that there are no other fishing rights than the tradable quotas. Thus, they contested the view that there exist any indigenous or local rights in Finnmark.⁹¹⁹ The issue also split the judiciary of the Norwegian political entity.

The Sámi Rights Commission had suggested that local fishing rights exist according to recent international law and ancient local customs. Since the leader of the committee had been supreme judge Carsten Smith, its suggestions had been given the blessing of the top level of the state's judicial branch of power. Still the view was publicly contested by another top figure within the judiciary. The Attorney General, chief juridical advisor of the government, claimed that international law and local customs had no relevance.⁹²⁰ Both views have support from their own legal historians. The Ministry of Fisheries had received two contradictory reports regarding Coastal

⁹¹⁵ Eypórssón 2008

⁹¹⁶ Pedersen 2012: 57

⁹¹⁷ Eypórssón 2008: 236

⁹¹⁸ Eypórssón 2008: 236

⁹¹⁹ Pedersen 2012: 57

⁹²⁰ Pedersen 2012: 57

Sámi rights. In 2005, the government had received a report by the lawyer Peter Ørebech, claiming that indigenous human rights law has no relevance along the Barents Coast, because, he claimed, Coastal Sámi culture no longer exists.⁹²¹ Two years later, in 2008, the opposite stance was taken in a report from the Coastal Fishery Commission.⁹²² The two reports present competing interpretations of historical and cultural issues, but only the latter report enjoys the support of academic historians and anthropologists. While the social scientists reject the interpretation given by the Ørebech report, they also subject his discourse to social scientific enquiry. To this controversy we will return later.

Policy outcome: About a year after the Coastal Fisheries Commission had delivered its report, Fisheries Minister Helga Pedersen had rejected the main suggestions of the Committee. It was a loss of prestige for a minister from a Coastal Sámi community. However, as the strategist Sun Tzu said: "With regard to precipitous heights [...] if the enemy has occupied them before you do not follow him, but retreat and try to entice him away."⁹²³ The *Glasnost* of the Norwegian polity had been stretched to its limits. Those forces within the judiciary who relied on scientific historiography had been beaten by those forces within the same system who mobilized old historical myths. For a coastal Sámi minister working through the governing party, it was not politically possible to push any further. After having rejected the principal suggestion of the Commission, details in the proposal could be considered. Only at this juncture, did the government enter the process of formal consultancy with the Norwegian Sámi Parliament.⁹²⁴ The government prepared a law proposal that included some of the minor suggestions from the Commission. Some cod fishing quotas was granted to small-scale fishermen in coastal Sámi areas, in consideration of a controversy regarding tradable cod fishing quotas. The Marine Resources Act got a new paragraph stating that coastal Sámi interests should be considered. A special management body was created to take care of this, even though the state had rejected the proposal that the coastal areas should be managed by a body similar to the Finnmark Estate. Still, the controversy about fishing areas was defined within the mandate of the Finnmark Commission, the special court that had already been set up in order to clarify longstanding rights to land and water under the new Finnmark Estate. When the Norwegian Sámi Parliament was to consider the proposed law, the majority proposed that it should be enacted by the Norwegian Parliament. Still, the whole Sámi parliament regretted that the government had denied the principal claim of the Coastal Fisheries Commission: that local rights exist since times immemorial. It might be discussed if there is any point to let the Finnmark Commission consider claims of longstanding rights if the government has already rejected the relevance of international indigenous rights law in coastal areas. This actualises the strategic question of whether to pursue the

⁹²¹ Norwegian Official Report 2005 (NOU 2005:10)

⁹²² Norwegian Official Report 2008 (NOU 2008:5)

⁹²³ Sun Tzu 1910 (c. 515 B.C.): Chpt. 10.1

⁹²⁴ Pedersen 2012: 59

paths of *inclusion* or *resistance*, or a *combination* of both. Let us again turn to the contemporary time, to a third node of social power, a medium and an outlet for the continuous struggle.

10.3.6 A third regional node of empowerment: letters to the editor

Regional newspapers mediate an active and critical public debate in Coastal Sámi communities. Along the Norwegian side of the Barents Coast, several regional newspapers have an effective distribution system: *Finnmarken*, *Finnmark Dagblad*, *Sør-Varanger avis*, *Nordlys*, *Ságat* and *Ávvir*. Fisher-peasant communities in the fjords get newspapers and letters delivered via the occasional bus routes. Several of the editors express opinions that are more or less affiliated with the labor organizations. However, these are not one-way information channels. Local fishers who read something outrageous in the newspaper may sit down, write a letter to the editor, and give it to the bus driver. A few days later, the bus driver returns with a new issue of the newspaper, where the fisher can read his own words in the opinion pages. During the coldest winter months, fisher-peasants have time to commit themselves to heated political debate. This is obligatory but also fascinating reading for the ethnographer. The regional newspapers, when compared to the national ones, accept letters to the editor that with fresh rhetoric and undiplomatic style. Such a style is not at home in the “bourgeois public sphere” of Jürgen Habermas. The rhetorical means are rather more “carnavalesque”, to use a term from Mikhail Bakhtin. For this exact reason, the critical public debate in this region appears to be more engaging, more engaged, edgier, and more socially inclusive. Therefore, the “carnavalesque public sphere”, is *more democratic* than the “bourgeois public sphere”. Coastal Sámi fisher-peasants may hunt in the morning, fish in the afternoon, rear sheep in the evening, and participate in political critique after dinner. Letters to the editor are not only an outlet of frustration. They are a medium whereby public opinion is constituted, political strategies are formed, and political choices are deliberated.

10.3.7 The ongoing public contention

Who should fish less when there are fewer fish? In the Deatnu area, “the sea-salmon fishers”, small-scale salmon fishers in salt water, claim that they take an unfair share of the burden. This was a publicly contested issue during my visits to the Deatnu area.

Strategies for the rights of the “sea salmon fishers” were at stake in a series of open letters printed in *Finnmarken* during the two first months of 2011. On one side was Bjarne Johansen, leader of “Tana og omegn sjølaksefiskeforening”, an interest organization for sea salmon fishermen

in the Deatnu area.⁹²⁵ On the other side was Marianne Balto, president of the Norwegian Sámi Parliament.⁹²⁶ This newspaper debate was particularly interesting for an ethnographer fishing for samples of democratic participation. Johansen put forward his accusations in rather fresh language, while Balto answered in a more formalistic tone. Here follow some excerpts from Johansen's and Balto's letters. I have chosen specific arguments from their original letters, and assembled them in another order, in the form of a dialogue. Thus, I de-contextualize each excerpt from the original flow of argument, and re-contextualize them as samples of what I am researching.⁹²⁷ As with all interpretation, some contextual information is lost in translation, while another layer of meaning is value-added.⁹²⁸ When the excerpts are re-cycled within my text, they serve as samples of public deliberation regarding how to prioritize between different paths to democratic, people's power.

Bjarne Johansen: The sea salmon fishers in Finnmark do not feel targeted by any form of armistice, such as [...] the agreement between the Sámi Parliament and the Ministry of the Environment. The sea salmon fishermen in coastal Sámi areas still feel like a people with no rights. We cannot accept to take the whole burden when the salmon fisheries are being regulated.⁹²⁹

Marianne Balto: I have understanding for the despair that the sea salmon fishermen experience, as they find fishing periods slowly but steadily are being regulated away. [...] It is always so in consultations that the Sámi parliament never gains approval for more than what the state is willing to accommodate. [...] Sometimes we do not reach any agreement.⁹³⁰

The syndicalist starts out by rejecting dialogue with the authorities on what he regards as false premises. That there is no “armistice” is his metaphor. The politician answers diplomatically that she understands the despair of the fishermen, and even admits that the Sámi Parliament is unable to gain more than what the government is already willing to admit. Thus, the activist and the politician agree that there are limited opportunities to influence policy through formal channels. The activist points at a half empty glass, while the politician objects that the glass is half full.

Bjarne Johansen: The Sámi parliament has made an agreement with the Ministry of the Environment without discussing this with the local competence that does exist among sea salmon fishermen. We demand that our rights are taken into regard, and that we may participate at every level of the management, on equal foot with the reindeer husbandry and other livelihoods in Sámi areas.⁹³¹

⁹²⁵ Johansen 2011

⁹²⁶ Balto 2011

⁹²⁷ Coffey & Atkinson 1996: 30-1

⁹²⁸ Madden 2010: 148

⁹²⁹ Johansen 2011

⁹³⁰ Balto 2011.

⁹³¹ Bjarne Johansen 2011

Marianne Balto: The Sámi parliament and the Ministry of the Environment have made a framework agreement about regulation of fishing for migrating salmon fishes. [...] In my opinion, the framework agreement is a step in the right direction. [...] The goal is that the parties reach a common understanding regarding the situation for the [salmon] stocks.⁹³²

The syndicalist and the politician continue to discuss the content of the agreement that had been made between the Norwegian Sámi Parliament and the Norwegian Ministry of the Environment. Both are political institutions under the jurisdiction of the Norwegian state. This is what the syndicalist had referred to as an “armistice” in the beginning of his open letter. “Framework agreement” is the more bureaucratic term employed by the politician. This is an agreement regarding the rules of the game for further deliberation on the issue at stake. The activist rejects the rules given by that agreement. He claims that the “sea salmon fishermen” enjoy less formal influence than other Sámi groups, even though all of these should have the same rights according to international law. The politician objects that the agreement with the Ministry is acceptable because the ultimate goal is to reach a consensus between her own political institution and the Ministry. The politician claims that such a goal is a step in the right direction, even though the syndicalist implies that it might be a violation of international law.

Bjarne Johansen: People are indignant, and feel punished by researchers who are operating with numbers and graphs with no grounding in reality. [...] Even though we get the opportunity to participate in an advisory working group (arbeidsgruppe), we do not expect to gain our fishing times back, as long as our right to equal consultations is being ignored.⁹³³

Marianne Balto: The organizations are invited to participate in the consultation process through the Committee (Arbeidsutvalget). [...] When the organizations choose to accept the invitation, and choose their representatives, then the Sámi Parliament expects that the organizations work constructively together with the rest of the Committee, within the framework defined by the agreement.⁹³⁴

Here the syndicalist and the politician go from discussing the rules of the game, to discuss how the game will be played. Both agree that the interest organization has been invited to participate in an advisory board with no formal powers. The syndicalist expresses the view that there is nothing to gain from this. Moreover, he also accuses the state-employed bio-scientific expertise of being slack with their scientific standards when only local fishermen are suffering from their badly grounded conclusions. (To this issue I will return in the discussion about civil society action.) The politician states that if the activists accept the invitation, then they will also have to obey the rules of the game

⁹³² Marianne Balto, vice president of the Sámi parliament in Finnmarken, 1st of February, 2011.

⁹³³ Johansen 2011

⁹³⁴ Balto 2011

as they have been agreed upon between the Norwegian Sámi Parliament and the Norwegian Ministry of Fisheries.

Throughout this debate, there is an implicit intertextual reference to the Coastal Fisheries Commission. For most readers of the newspaper *Finnmarken*, this process is probably well known. The syndicalist Bjarne Johansen put forward accusations that echo the principal suggestions of the Coastal Fisheries Commission: that the coastal resources are *regional commons*. This was rejected by the state legislators. They had previously accepted a similar legal interpretation with regard to the lands and waters of mainland Finnmark. However, with regard to the coastal waters of Finnmark, they kept defining these as *national commons*. This was the view that had to be accepted by Helga Pedersen as a Fisheries Minister, in a political move that might be interpreted as a tactical retreat. That tactic is echoed in the stance taken by the politician Marianne Balto. In their roles as top politicians, Helga Pedersen and Marianne Balto were bound to be loyal to the decisions taken by the state legislators, despite the fact that some would claim that the state laws violate international laws that have been ratified by the state itself.

Johansen and Balto discuss a specific policy process aimed at making regulations for traditional salmon fishing in the salt waters along Finnmark. We have now read this debate in the context of a specific policy process, the processing of the suggestions from the Coastal Fisheries Commission. Johansen also refers to another context, which is what he presents as politically biased priorities amongst the bio-scientific establishment. (Regarding the latter context, I will return to this issue in Chapter 11.) Within those contexts, the public deliberation between Johansen and Balto is read, and becomes a strategical dispute, about what channels of democratic participation should be chosen.

Indigenous political entrepreneurs have had an impact on the policies of the party, but the party has also had an impact on the policies of indigenous political entrepreneurs. When Bjarne Johansen and Marianne Balto deliberate about strategies, how do the interactions between Labor party discipline and coastal Sámi rebellion actually play out? Is there co-optation, or co-operation, or both? The trade union leader Bjarne Johansen argues strongly that international human rights norms must be fundamental. He expresses fear that professional politicians such as Marianne Balto might be co-opted by the ruling political class. He has also defined his adversary, namely the Ministry of the Environment, and also, its hand-picked experts, who argue in a seemingly apolitical, technical way.⁹³⁵ The ambiguous relationship between Balto and Johansen exemplifies a tension often found under corporatism: catch-all party or syndicalist organization; inclusion or resistance.

⁹³⁵ Ween 2012a

10.3.8 Back to the Diggegodd: state laws, longstanding customs, international norms

With these empirical samples, I have taken the reader with me back to my political fieldwork. The description started at the district court house in Tana Bru. This was my entrance point to the fieldwork. The description has reconstructed how at this particular site, the reflexive sociologist became introduced to the indigenous human rights struggle in Coastal Sápmi.

I have shown how the interviewer was fishing for reliable data of relevance to describe the struggle for rights, while the interviewee was fishing for reliable research of relevance to the struggle for proofs. Both interviewer and interviewee adapted to the other's perception of relevance, together approaching towards a shared research interest. By proving potentially useful in the local struggle for rights and proofs, the political sociologist gained access to data.

The conversation introduced the sociologist to the *past history* of the struggle, by selected collective memories, supported by selected historical documents. Through the same conversation, the sociologist was also introduced the *present situation* of the same struggle, by being invited to do further political fieldwork in a fisher-peasant community by the fjord. These clues were reconstructed in the description above, and from there, the description traced two intertwined praxis networks: *On the one hand*, the description traces some particular *praxis nets in the present*, through three particular regional nodes of empowerment: the district court house, the local community house, and the local labor press. Thus, I sketched a selective map of contemporary human rights struggles. *On the other hand*, the description also traces collective memories left behind by particular *praxis nets in the past*: the Coastal Sámi Rebellion, the Coastal Fisheries Commission, and the ongoing political deliberation in the carnivalesque public sphere. Thus, I traced a selective genealogy in order to explain how the contemporary situation came about. In sum, I have inquired concerning some of the ways whereby some particular praxis nets have unfolded, both in the past and in the present: some of their past effects were identified through selective tracing of their emergence in the past; some of their contemporary effects were identified through selective mapping of their structure in the present. The inquiry remains highly *specific* and *selective*, a myopic view. Regarding *data selection*, probabilistic sampling is impossible in qualitative research. However, this does not mean that data selection is arbitrary. Access to data is a direct result of perceived relevance among social actors who own the data. The greater the perceived relevance, the easier access to data: the degree of data access is a linear function of the degree of perceived relevance among those who own the data. In this process, epistemic reliability comes with political reliability.

In this presentation, I have chosen a narrative form to present the selected empirical

findings, and this form was chosen in order to expose the interdependence between the object of observation and the act of observing. The reflexive political sociologist tries to reveal and not conceal the fact that the science of constituent power is one of the means for the art of constituent power. The interview situation and the search for documentation are in themselves potentially constituent acts, contributing to potential revisions of the already constituted body of knowledge. In the description above, I have described some praxis nets, both past and present, which are pathways within which constituent and constituted power operate. The described praxis nets include *already constituted policy nets*, such as the organization of the three visited nodes of empowerment, but they also include *potentially constituent issue nets*, such as the creation of SLF and the ongoing deliberation in the local labor press. The *interview situation in itself* constitutes a temporary node in the praxis network. Because it may potentially provide input to the ongoing struggle for proofs, the interview situation is one of the socio-material ties whereby constituted and constituent realities are being (re)produced.

For reflexive political sociology, knowledge is provisional, participatory, and grounded in practical application: it is participatory action research. When sociological interviews with human rights lawyers in one site brought me into touch with political entrepreneurs at another site, then our conversations functioned not only as interviews, but also as focus groups. Such conversations are deliberative processes, facilitating confrontation and dialogue between divergent partial practical realities. When sociological publications may be read by the interviewees or by other actors in their homely field, then the published text functions not only as publications, but also as practical interventions into the ongoing struggle for proofs. Political sociology is sociological intervention.

There are conflicting views about who actually has the right to fish salmon in the fjord, and this controversy is one issue within a wider problematic: whether or not colonization has taken place. If I tried to pretend that my viewpoint was not positioned in a certain manner, then it would be an attempt to monopolize the only acceptable political view. The only thing I really know for certain is that all possible views remain more or less under-informed, limited, and therefore positioned. However, as I will later discuss, I also find it rather likely that residual colonial bias has a social function according to Bourdieu's metaphor of "symbolic violence". Reflexive political sociology is instrumental for the collective struggle to slightly overcome our own collective biases.

Let us return to the "diggegoddi" at the side of Deatnu River, where we found the secretariat of the Finnmark Commission. This had been given the task of considering any claims arising from longstanding rights to fishing in salt waters along the Finnmark coast, to be considered by the Outfield Court. Originally, the Finnmark Commission had been set up to address such claims regarding land and water in mainland Finnmark, with exception for the main river bodies and the salt waters. Nevertheless, the Finnmark Commission will now also consider similar claims in

coastal areas. Their work is likely to reveal contradictions between state law and local customs, since the state has already rejected the view that local fishing rights belong to the local population.⁹³⁶ If those contradictions will be tested before the Outfield Court or a District Court, they will eventually be brought before the Norwegian Supreme Court. However, under the current human rights regime, citizens have some opportunities to make complaints before international bodies.⁹³⁷ A precedent has been set in this regard controversies about reindeer herding rights in Finnish Sápmi.⁹³⁸ Quite legally, the emergence of human rights regimes, together with various environmental management regimes, has resulted in the emergence of an apparatus of “jurisdictional complexity”, which responds to the actual ecological and cultural complexity.

The political map is being transformed. Sámi human rights lawyers in the Deatnu water area have introduced me to the situation in various parts of the watershed. For the upstream parts of Deatnu, the states have implemented some limited attempts to regulate the relationship between state sovereignty and indigenous self-determination, in accordance with international human rights law. This has been done rather differently on the “Norwegian” and the “Finnish” sides of the river, but on either side, attempts have been undertaken, and those attempts remain limited. However, downstream in Deatnu Water Area, particularly in Deatnuvuohta Fjord, there has been no attempt whatsoever by the state to reconcile the right to national(ist) state sovereignty with the right to indigenous self-determination. This is still the situation, after the Coastal Sámi Rebellion and the Coastal Fisheries Commission. The struggle continues.

⁹³⁶ In the following chapter, I will contribute with some ethnographical proof in support of the claim that the indigenous human rights to freedom from cultural and economic discrimination do apply in Coastal Sápmi, and consequently, that the local fishery resources actually belong to the local population.

⁹³⁷ The European Court of Human Rights and the UN Human Rights Council are the most relevant parts of the human rights regime for monitoring how the state will respond to the Finnmark Commission. For further info, see part 8.6.1, in particular the footnote regarding the *right to appeal*. (See also part 9.2.8 for some further details regarding the establishment of the Finnmark Commission.)

⁹³⁸ Of potential relevance to the Coastal Sámi is a specific case where the UN Human Rights Committee (UN-HCR) gave its opinion regarding a legal complaint from a Sámi reindeer owner against the Finnish state (UN Human Rights Committee 1992). Regarding this case, the UN-HRC “emphasized that article 27 does not protect only traditional means of livelihood, but even their adaptation to modern times. As to what kind of interference with a minority culture constitutes ‘denial’ in the sense of article 27, the Committee developed the combined test of meaningful consultation of the group, and the sustainability of the indigenous or minority economy” (Scheinin 2004: 6, thanks to Aimo Guttorm for this reference). These questions, the modernised tradition, the scarce consultation, and the economic sustainability, may all have potential transfer value if the Coastal Sámi is to make a complaint against the Norwegian state. Regarding the specific question of traditional and modern forms of livelihood, the UN-HRC concluded: “The right to enjoy one’s culture cannot be determined *in abstracto* but has to be placed in context. In this connection, the Committee observes that article 27 does not only protect *traditional* means of livelihood of national minorities, as indicated in the State party’s submission. Therefore that the authors may have adapted their methods of reindeer herding over the years and practice it with the help of modern technology does not prevent them from invoking article 27 of the Covenant. Furthermore, mountain Riutsvaara continues to have a spiritual significance relevant to their culture” (UN Human Rights Committee 1992: §9.3). This question has specific relevance for the debate between the competing views held by the Ørebech-report (Norwegian Official Report 2005 [NOU 2005:10]) and the Coastal Fishery Commission (Norwegian Official Report 2008 [NOU 2008:5]), the former being in conflict with ICCPR article 27.

10.4.0 Structural violence: between political inclusion and political resistance

10.4.1 Learning from indigenous fisher-peasants

The art and science of constituent power requires caution and care. When the state's parliament and government deny the existence of Coastal Sámi indigenous rights, then this policy fits well with the vested interests of Norwegian fishery capitalists, but it might go against the power of the better argument. If the report published by the Ministry of Fisheries in 2005 was correct, then the policies are justified. However, if the report published by the same ministry in 2008 is correct, then these policies are not justified. If the latter is the case (which I think it is), then we are dealing with social reproduction of unequal opportunities, the phenomenon sometimes referred to as “structural violence”. I have also suggested that Coastal Sámi fisher-peasants struggle against double marginalization, under corporate capitalism as well as official nationalism. If this is correct, then Bjarne Johansen is probably right, that it is necessary to limit the co-operation with the government, and to empower the movement with other means, in order to enable dialogue on more equal terms. Thus, it might be necessary to pursue the path of political resistance, as a supplement to political inclusion. However, if the structural violence really is so strong as to marginalize the power of the better argument, this might also mean that real empowerment of the subalterns would constitute a real economic threat to vested capital interests. If so, there might be a risk that potent political resistance could attract suppressive violence, which could breed violence. Thus, it might be necessary to pursue the path of political inclusion, as a supplement to political resistance. Through sociological fieldwork in Deanuvuotna, I have learned some lessons about how truly subaltern indigenous fisher-peasants may empower themselves and become political entrepreneurs by combining diverse paths to constituent power. The different paths, namely political inclusion or political resistance, may be related to the democracy theory that I discussed at the beginning of this chapter (see Table 10.1). Marianne Balto and Helga Pedersen on the one hand, Bjarne Johansen on the other, pursue different paths, namely what della Porta has characterized as “limited participative democracy” and “deliberative participative democracy”. The former is related to the corporatist political culture of national unity. The latter is related to the concept of public debate that leads to the formation of opinions, in the “bourgeois public sphere” and “carnavalesque public sphere” which I discussed above. Fisher-peasants in Dranuvuotna appear to be as pluralistic in their political repertoires as they are in their livelihood adaptations: hunt in the morning, fish in the afternoon, rear sheep in the evening, and participate in the carnivalesque public sphere after dinner.

Table 10-1: Typology for the repertoires of constituent praxes, applied to Deanuvuotna

	<i>Politics of state (regulating coercive force)</i>	<i>Examples from Deanuvuotna</i>
<i>Inclusion</i>	Political inclusion, using ritualized channels: limited participatory democracy, ⁹³⁹ or corporatist consensual democracy ⁹⁴⁰	Corporatist inclusion: compulsory arbitration, dialogue on unequal terms (Marianne Balto), democratic centralism within the catch-all party (Helga Pedersen)
<i>Resistance</i>	Political resistance, using political liberties and civil disobedience: ⁹⁴¹ deliberative participatory democracy ⁹⁴² or agonistic consensual democracy ⁹⁴³	Syndicalist resistance: withdrawal of consent, boycott of dialogue on unequal terms, letters to the editor in the local labor press (Bjarne Johansen)

10.4.2 Civic republicans? – Common interest and constituent power

Being in Coastal Sámi communities has destabilized my prejudices about Norwegian belonging. I knew the history of Norwegian nation-building from the Norwegian Folk Museum, where I had worked as a pedagogist. We had many artefacts from mountain peasants in Southern Norway, few from coastal areas, and even fewer from Sámi culture. In the past, we told the visitors, the nation-builders had created national solidarity by using some local cultural traits as national symbols, and marginalizing the local culture in other areas. Thus, we taught our pupils, the Norwegian form of liberal nationalism had been an ethnic one. However, in order to change this, and make Norwegian belonging more inclusive, we showed artefacts from the previously marginalized provinces: from Inner Sápmi, Finnish settlements in the forest, ethnically mixed coastal areas, and contemporary migrants from the third world. Our pedagogical task was to educate the nation away from the ethno-nationalism of the past, towards a potential civic national belonging in the future. However, when I came to the far North I met another reality.

Civic nationalism? In Chapter 2, I described the clash between Helga Pedersen and Olav Gunnar Ballo. Both are in the same party, and both are in favour of freedom and equality. However, they disagree on whether or not systematic ethnic discrimination has taken place. Ballo sees the golden age of equality in the past, and frames indigenous rights as privileges. Pedersen frames indigenous human rights as a way to overcome actual ethnic discrimination, and aims at a golden age of equality in the future. The perception that Ballo has of Norwegian nation-building is totally

⁹³⁹ Della Porta 2011

⁹⁴⁰ On “consensual democracy” as *national consensus in corporatist states*, see Lijphart (1977) – cited in Keman (2011: 125) – this in contrast to a most different meaning of the same term (note 885 below). Regarding corporatist *misreadings* of Habermas 1971 (1962), see Kemmis (2006) – in contrast to the correct, conflict-theoretical reading of Habermas (note 884 below).

⁹⁴¹ Thoreau 2009 (1849)

⁹⁴² On “deliberative participative democracy”, see Della Porta 2011; plus Bakhtin 1984 (1965). See also Kemmis (2006) regarding the conflict-theoretical and *correct reading* of Habermas 1971 (1962) – in contrast to the widespread corporatist misreading of Habermas (note 882 above).

⁹⁴³ On “consensual democracy” as *direct democracy in social movements*, see della Porta 2009b – in contrast to a most different meaning of the same term (note 882 above). Regarding the term “agonism”, see Mouffe (2005) and Mouffe (2013).

different from the knowledge we had at the Norwegian Folk Museum. However, we in the capital city were much closer to the “core area” of ethnic Norwegian culture, and the Barents Coast is much further from the King's Castle. Civic nationalism, or even civic republicanism, may have been functional to accommodating the radical syndicalists along the Barents Coast. This would probably not have worked with the ethnic liberal nationalism that was used by the nation-builders in the capital city. Civic values are shared currency among Ballo and Pedersen, but only the latter knows what the Norwegian Folk Museum knows, namely that ethnic pluralism is needed to overcome actual ethnocentrism, and strive towards potential civic national belonging.

Civic republicanism? In the present chapter I have described the debate between Marianne Balto and Bjarne Johansen. This debate may also be understood within the framework of civic values. Both are advocates of popular power and the common interest, two core values of civic republicanism.⁹⁴⁴ The republican citizen has an obligation to defend the republic, but also has the right to rebel. There may be a tension between Balto’s corporate inclusion and Johansen’s syndicalist resistance, but there is no contradiction. There is a division of labor: one takes care of the right to rebel, another of the obligation to defend the republic.⁹⁴⁵ Those two tasks serve the functions of *constituent praxes* and *constituted order*, respectively. Both functions are integral to people's self-determination – even if we here have to do with two partly overlapping peoples. *On the one hand*, state power is enabled by the people. The state system has to be legitimized in the civil society. *On the other hand*, people's power is enabled by the state. The civil society is regulated by the state (Figure 10.3). This is the circular relationship of constituent and constituted power, which has been theorized by constitutional theorists such as Joseph Weiler (see Chapter 2).

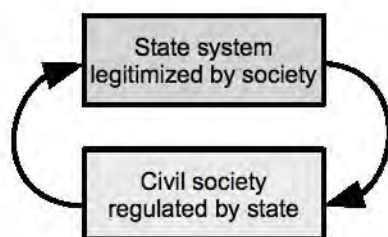


Figure 10-3: Political liberty as security valve: deliberative participation as an outlet for the right to rebel

⁹⁴⁴ Galli 2001: 48-50, 105-9, 145-6, 254-6, 287-292

⁹⁴⁵ The Norwegian political entity is indeed a kingdom. However, I remind the reader that the labor movement has no unified history under the state (see 10.2.2 and 10.3.3 above): At the beginning of the 20th century, the labor movement at the Scandinavian Peninsula was revolutionary, internationalist, syndicalist and republican (Furre 1996:69-76, 127-8). In 1936, the centralists of the Norwegian labor party made a grand compromise with the more or less liberal nationalists within the political entity (Furre 1996: 127-8). By contrast, a quite different trajectory took place for the labor movement in the Arctic periphery of the Norwegian political entity. Along the Barents Coast, the labor movement remained revolutionary, internationalist, syndicalist and republican until the Cold War (Jaklin 2004). This may explain why I observe different forms of state-patriotism in different parts of the Norwegian political entity.

The right to rebel: The pathway of corporatist inclusion, pursued by Marianne Balto, is a strongly ritualized one, where the only path to constituent power is via constitutional amendments enacted by the state parliament. This path goes through the state system, and via state regulation, it aims at re-constitution of society. The pathway of syndical resistance, pursued by Bjarne Johansen, has more room for improvisation. This path goes through civil society, it aims at re-constituting the public opinion, or to transforming the economic capacity of the citizens, and thereby, gaining political strength in the state parliament as well. Back in the days, when the freedom of speech and the freedom of assembly were more limited, this path would frequently involve civil disobedience and disruptive actions. Today's liberal regulation of civil society offers somewhat wider opportunities to re-constitute the laws of the state by acting within the already constituted laws of that state. The opportunity for legal public contention and public deliberation is a recent channel of constituent power, and a supplement to the older possibility to use parliamentary power for constitutional amendments. Thus, with increasing political liberties, the right to rebel has become somewhat better accommodated within the already constituted laws. Some constitutional lawyers argue that all constitutional arrangements should involve legal paths whereby the system might be re-constituted by popular power.⁹⁴⁶ By better accommodating the right to rebel, liberal norms might function as a *security valve* in order to avoid more disruptive outbursts of constituent power. This is not to suggest that the Coastal Sámi will not need civil disobedience and disruptive actions. The freedom of assembly and the freedom of speech may or may not be sufficient for subaltern groups to counter unequal opportunities, to mobilize the necessary resources to set the agenda, and to transform the unequal opportunities. It may or may not be necessary for Coastal Sámi political resistance to stretch the already constituted laws, or even to break them. However, the point is that it seems to me as if the various parts of the movement adapt to each other in such a way as to keep some form of balance between the right to rebel against unjust rulers, and the obligation to defend the republic. In this sense, the Coastal Sámi political entrepreneurs seem to be civic republicans.

The common good: As civic republicans, the Coastal Sámi political entrepreneurs remain patriotic, in favour of the *common good*, even when they exercise their right to rebel: Bjarne Johansen is a champion of political resistance, against Marianne Balto's political inclusion, but through their public contention, the two actually adapt their strategies to each other, and are in a way coordinated. The currency of the *common good* is *not insignificant*. When the sea salmon fishers in Deanudat debate with river fishers in upstream Deatnu, or with those who make a living from tourist angling, then we are dealing with a classic common pool problem: All of them fish from the same stocks of fish, and therefore, everyone has a *shared interest* in maintaining the fish

⁹⁴⁶ Cólón-Ríos 2010

stocks for future seasons, but they may have *conflicting interests* about who has to restrain their fishing this season. When Bjarne Johansen expresses skepticism concerning the present regulation regime, as well as the present monitoring regime, this does not mean that he is against regulation or monitoring as such, but that he claims that the burden has been distributed in a deeply unfair way. Everyone agrees that there is a need to develop better regulation systems, but the challenge is whose right to fish should get priority. Everyone agrees that there is need to develop better monitoring methods, but the challenge is whose research questions should get priority. Elinor Ostrom's theory of natural resources management implies that common pool problems may in some cases be solved through deliberation, negotiations, and the maintenance of customary norms. The traditional communities that sustained over time were those that adapted sustainable management of natural resources. By contrast, the old theory from Hardin and Hobbes implies that central command is necessary. However, central command may also create the tragedy of the commons, by disturbing traditional customs that were once sustainable.⁹⁴⁷ In Deatnuvotna, as in other Coastal Sámi areas, the states have already made a mess in the ancient fishery management system, by using their coercive force to open up the fjords for larger vessels owned by capitalists from more central places. Thus, the Coastal Sámi did not have the option that outfield users in Inner Sápmi may have had, which was to just ignore the states and go on with the ancient way of managing fisheries. Since the Coastal Sámi could no longer avoid the state, they had to engage with it instead, to try to reform it. Thus, they deal with a management system that is a combination of carrot and stick, unlike their kinfolk in Inner Sápmi, who may avoid the stick, and stick to the carrot. When Coastal Sámi political entrepreneurs such as Marianne Balto and Bjarne Johansen adapt to each other, they may be capable of countering the mess made by the colonial state, by empowering themselves to re-constitute it, while at the same time avoiding stirring up even more mess, by combining the right to rebel with the obligation to defend the republic. This may perhaps be a method whereby indigenous peoples can try to decolonize a very intrusive state.

10.4.3 The limits of political sociology

In the previous chapter (9.0.0), I approached political fieldwork with concepts and methods typical to political science. That was thematically limited to formal institutions, but this limitation avoided a wider geographical scope, taking the entire Deatnu Water Area into consideration. In the present chapter, by contrast, I have zoomed in on more fine-grained details. Here, I have used concepts and methods typical to political sociology, which has allowed me to trace how political entrepreneurs

⁹⁴⁷ Ostrom 2005:62-4

generate constituent power from within the civil society, interacting with the formal institutions of the political system. This is thematically wider, but geographically I have narrowed the focus, to downstream areas of the Deatnu Water Area. Those two approaches to political fieldwork are complimentary. The approach used in the *previous chapter* was useful for tracing some of the large-scale changes in the *political system* at large. The approach used in the *present chapter* was instrumental in identifying some of the possibilities that exist for subaltern political entrepreneurs to empower themselves from within the *civil society*.

In the *following chapter*, however, I am going to apply a third approach to political fieldwork, in order to overcome a limitation with both of the approaches I have used thus far. I will now turn to methods and concepts traditionally used by political anthropologists. Regarding methods, a preference for participant observation, rather than qualitative interviews or archive studies, makes it easier to access action situations located at the “social backstage”, and this has been a force for the anthropology of Coastal Sámi communities.⁹⁴⁸ Regarding concepts, political anthropologists do not assume that functional differentiation between political systems and civil society has actually taken place. Instead, they observe how mundane everyday praxes may function as acts of power.⁹⁴⁹ By *not assuming* any distinction between civil society and the political system, the researcher is *enabled to observe* a wider repertoire of constituent praxes. The researcher may even be empowered to identify a wider plurality of actual constituted orders. Contemporary political anthropology has been adapted to postcolonial situations where legal pluralism, or even overlapping sovereignties, are the rule rather than the exception. Concepts and methods from political anthropology are relevant, of two reasons.

Firstly, political anthropology will enable us to address the disagreements between the two contradictory reports from the Norwegian Ministry of Fisheries. In order to provide a few more relevant proofs, one has to be able to observe if any actual customary practice and any actual perceptions of justice indicate any *de facto* legal and jurisdictional pluralism. In order to observe that, the researcher needs a method that gives access to the social “back stage”, and she needs concepts that do *not assume* that there is an actual functional differentiation between the political system and civil society. In other words, the researcher should not have prejudices that disable him from observing if there is any actual legal and jurisdictional pluralism. In the following chapter, I will proffer a few more proofs in support of the report from the Coastal Fisheries Commission, which indicates that Coastal Sápmi actually does possess a degree of legal and jurisdictional pluralism similar to what the Sámi Rights Commission identified in Inner Sápmi.

Secondly, political anthropology is useful for identifying a wider range of possibilities for

⁹⁴⁸ Eidheim 1971, referred to in Eypórssón 2008: 46-7

⁹⁴⁹ Nustad & Krohn-Hansen 2005

subaltern empowerment. Above, I have discussed corporative inclusion and syndical resistance as two particular forms of political entrepreneurship. Both paths were theorized in terms of civic republicanism, as paths whereby the political system and the civil society regulate each other. However, in the following chapter, I will show samples of a much wider repertoire of action, including *social entrepreneurship* within the market economy and the scientific knowledge, as well as *social defence* of immemorial customary praxes and knowledge praxes. The latter is not civil society action. It is non-violent maintenance of a parallel, but more ancient, jurisdictional order. In the present chapter, I dealt with the state system that was never fully consolidated. In the next, I will deal with the *siida* system that never fully disappeared.

This harks back to my discussion of structural violence at the beginning of this chapter. There I observed that the two contradictory reports from the Norwegian Ministry of Fisheries are supported by different social actors: the hegemonic political class accepts the 2005 report, the social scientists accept the 2008 report. If the latter are actually more correct than the former, then it means that the policy process so far has *not* been determined by the power of the better argument. By mobilizing tools from political anthropology, we will see that this is probably the case, but also, that subalterns combine social entrepreneurship and social defence to counter structural violence.

10.5.0 Preliminary conclusion to second part of Case II

Negative findings: This chapter has traced some moments in the struggle for rights and proof, which indicates that knowledge on Coastal Sámi communities is bound to be used by political actors with specific interests. Therefore there is no knowledge that is not *positioned*. In this chapter, I presented some specific reports, tools in the struggle for proofs. They are circulating at specific nodes of empowerment. The reports can be seen as contributions to the collective effort to overcome colonial bias. However, this does not mean that we have suddenly overcome bias and reached neutral knowledge. In the struggle for rights and proofs, there is no neutral knowledge, and since knowledge always remains unfinished, there will always be some residual bias to overcome. However, this chapter has not provided such detailed information that I can possibly assess what colonial biases might remain to be overcome in those observations. In the following chapter, however, I will engage in much more detail, and will end with a thorough discussion of biases that remain to be overcome.

Positive findings: This chapter has confirmed the mechanisms already observed in Case I and in the geographical bridge chapter. There is a *struggle to define the hegemony* within a body of law and a body of knowledge, and there is a *struggle to set the agenda* for policy-making and scientific inquiry. However, in the present chapter, in contrast to the previous instances, we have traced a process where the emerging political entrepreneurs have thus far *failed* to set the agenda, and likewise, have thus far *failed* to define hegemony. This might not be because there is insufficient proof. In the following chapter, I will attempt to uncover what factors have been decisive so far, and I will argue that the decisive factor so far has certainly *not* been lack of reliable proof. I will now dig deeply into the politics of everyday life, supplementing the sociological approach to political fieldwork with the anthropological approach.

11.0.0 DEATNU FJORD 2005-2012: POLITICAL ANTHROPOLOGY

11.1.0 Introduction to third part of Case II

The present chapter will continue the local focus on Denuvuotna, the Deatnu Fjord. However, in this chapter I will zoom in to an even greater extent, by bringing the reader back to situations I experienced through participant observation. Here, I will provide some more concrete, selective samples, of what local people do in order to empower themselves. We will visit local fisher-peasants at the social “front stage”, where we can see some of the ways whereby they engage in public participation: they participate in state politics by informing the policy process; they participate market economy through small business entrepreneurship; they participate in epistemic knowledge through bio-scientific reporting. However, the reader will also be brought to some selected situations at the social “back stage”, and here we will unearth some examples of everyday praxes of a form that has been branded “everyday forms of peasant resistance”. Those data have been gathered through participant observation, an approach to political fieldwork that is typical for anthropology.

The findings will also be discussed in relation to theoretical developments in political anthropology. On the one hand, the various paths to public participation (political, economic, epistemic) will be synthesized as a mechanism, that I call “resources decide”. On the other hand, regarding the more discrete forms of empowerment, I will discuss this in light of postcolonial human rights law, and will raise the question of whether the term “everyday forms of peasant resistance” actually fits. The latter question will be further discussed in the next chapter. The present chapter, however, will conclude with a long list of biases that remain to be overcome, and suggestions for further research.

I owe thanks to Gro Ween for having read through and commented upon an earlier version of this text. My failure is my own responsibility, but the credit for my success should be shared.

11.2.0 Political anthropology: entrepreneurship, defence, legal pluralism

11.2.1 Diagnoses: secret whispers

The fisher-peasants recognized me when I returned one year later. I had been there one year before, and was supposed to sit down and write. In the meantime, however, I had learned more about political anthropology. I had been to another Coastal Sámi area, where everyday praxes had become explicitly politicized. Thus, it had become easier to spot the political dimension, and practices that the anthropologists formerly perceived as “conflict avoidance” were now re-defined as discrete forms of “everyday resistance”.⁹⁵⁰ I realized that my own data were too thin about whatever might be going on the social “back-stage” in Deanduvuotna. I felt responsible for the public usefulness of my research. Within Coastal Sámi areas, few people would *publicly* question the legitimacy of the nation-states or the dominant political parties. However, in *private* conversation, I have heard some of the most lawful citizens whisper “Actually, it’s still a colony”.

Coastal Sápmi is not Inner Sápmi. In the latter area, it is clear that the ICCPR and ICESCR provides legal blessings to the secret whispers. This is because international human rights law demands that in areas where Norway and Sápmi overlap, it is necessary to reconcile the right to state sovereignty with the right to indigenous self-determination.⁹⁵¹ This clearly applies to Inner Sápmi, because the ongoing reform process is an admission from the states that the Sámi Rights Commission was correct to claim that the *de facto* legal pluralism has remained in the area ever since the state builders attempted to criminalize the ancient stateless political system in Sápmi. This description of the reality remains controversial, but it has been accepted by the hegemonic political class within the Norwegian political entity. However, the states have accepted this description only with regard to Inner Sápmi, not with regard to the Sápmi Coast. With regard to the coastal area, the Norwegian Ministry of Fisheries has produced two contradictory reports, as I described in the previous chapter. The report from the Coastal Fisheries Commission is in favour of indigenous rights in Coastal Sápmi, identical to what the Sámi Rights Commission suggested for Inner Sápmi. However, only four years earlier, the Ørebech Report had come to the opposite conclusion, claiming that Coastal Sámi culture no longer exists. This is the view that so far has gained acceptance among the hegemonic political class in the Norwegian political entity. Therefore, for areas in Coastal Sápmi, it is not (yet) clear that the ICCPR and ICESCR provide legal blessings to the secret whispers. Thus, the subaltern voices remain silent.⁹⁵²

⁹⁵⁰ Bjerkli 2000; Bjerkli 2010

⁹⁵¹ According to the ICCPR, §1 and §27, as well as the ICESCR, §1. For further info, see Anaya 2004.

⁹⁵² ...and thus, we may rhetorically ask, with Spivak (1988): “Can the subaltern speak?”

With this chapter I aim at making secret whispers public. By writing this paragraph, I have already publicized what one of the *publically* state-loyal fisher-peasants stated in *private*; that “Actually, it’s still a colony”. There are two reasons why I choose to publicize the private.

- *First*, I think public attention to secret whispers may provide further proof that indeed the Coastal Fisheries Commission was correct, while the Ørebeh Report merely reproduced colonial prejudice.
- *Second*, I think that brining public attention to secret whispers may help subaltern political entrepreneurs identify some of the actual paths to empowerment that are being pursued in some concrete cases, and may be replicated in other cases too.

I do not try to cover up the political function of social research. Instead I take full responsibility for how my research may be (mis)used: By conducting participant observation on the struggle for rights, I become an observant participant in the related struggle for proofs. My contribution is not particularly “Sámi activist”. I am an ethnically mixed Norwegian, but a non-Sámi one. I contribute to ongoing Norwegian nation-re-building: our collective effort to overcome nationalist particularism. Norwegian methodological nationalism and statism, as I discussed in Chapter 2, is a shared adversary for environmental scientists who defend their methodological integrity, for the multi-ethnic subaltern struggle in Kåfjord, and for the indigenous rights struggle in Deanuvuotna. In my view, the joint struggle against Norwegian nationalist particularism could potentially be what Pedersen and Høgmo call “an integrating issue area”.⁹⁵³ Postcolonial human rights law, as well as the treaties on environmental management, imply that the states should leave behind the chauvinism of “national interest” in the management of common natural and cultural heritage in Sápmi.

The present chapter has mobilized concepts and methods from political anthropology. *Empirically*, participant observation is a technique that has enabled me to gather samples of information from some everyday action situations, at the social “front stage” as well as the “back stage”. *Conceptually*, I have chosen to trace the circulation of an object that serves various functions for a community. This is a classical anthropological method, in the tradition of Marcel Mauss.⁹⁵⁴ The chosen object is salmon flesh. I follow its circulation between various action situations where it is used for highly diverse practices: economic (nutrition and distribution), epistemic (knowledge praxes) and normative (customary praxes). When we follow the flesh, we go back and fro across the conceptual boundary between political system and civil society. One force of classical anthropology is that it does not assume that there is any actual functional differentiation in the society. This is why fieldwork in the tradition of political anthropology will provide different data from fieldwork based on the traditions of political sociology or political science. The political

⁹⁵³ Pedersen & Høgmo 2012:2 4

⁹⁵⁴ Appadurai 1998; Mauss 1923-4.

science approach has helped me to garner a broad overview on some of the formal political institutions in the Deatnu Water Area (Chapter 9). The political sociology approach helped me to zoom in on how subalterns may counter unequal opportunities through political entrepreneurship in civil society and the political system (Chapter 10). But the political anthropology approach will help me with the two tasks mentioned in the two bullet-points above: to find some further proof in support of the Coastal Fisheries Commission, and to identify some ways whereby subalterns may empower themselves away from the already constituted state. In particular, political anthropology has been developed in postcolonial areas, where legal pluralism, or even overlapping sovereignties, is the rule rather than the exception.⁹⁵⁵ In such situations it is hard to draw a clear distinction between the political system and civil society. Instead, there may be co-existence between several *complex dynamic systems*, each of them serving both political and social functions. The dynamics of such complex dynamic systems may be observed in unusual events or in violent actions, but may equally well be observed in seemingly mundane everyday praxes.

A state formation is the result of myriads of situations where social actors negotiate power and meaning. This shifts the focus of analysis to the many practices of power and the mundane and ritual forms that constitute the state.⁹⁵⁶

Such a view of constituent power differs strongly from the conventional view in so-called “realist” political science, where the assumption is that monopoly of violence produces sovereignty, which in turn produces constitutional order. With that assumption, one would predict that constituent power is the “state of exception”, the situations where everyday routines of legitimized rule are set aside, and only naked force remains. By contrast, the anthropological view is that constituted order is being socially reproduced through every kind of praxes, including customary praxes and knowledge praxes. Maintenance and transformation of political order becomes equal to social reproduction. This actualizes the conceptualization of *constituted order* as “legal pluralism”, and of contentious *constituent praxes* as a combination of “social entrepreneurship” and even “social defence”.

11.2.2 Legal pluralism

Local people in Sámi areas know how it is to live with parallel systems of norms. Practical experience from Inner Sápmi found support in documented proofs, which were published by the Sámi Rights Commission. Similar local experiences from Coastal Sápmi were expressed in the

⁹⁵⁵ Kapferer & Bertelsen 2009; Nustad & Krohn-Hansen 2005; McGinnis 1999; Hutchinson 1996; Hart 2006

⁹⁵⁶ Nustad & Krohn-Hansen 2005: 12

report from the Coastal Fisheries Commission. Steinar Pedersen was a local schoolteacher and salmon fisherman, who became a politician and a historian. In a recent article, he wrote:

[I]n reality, both the *jurisdictional and juridical history* of Finnmark contains many elements which should signal the highest sensitivity and regard in these matters, especially when Norway is dealing with minority and indigenous rights. One particular and significant fact is that Finnmark is the most recent territory to be part of the Norwegian sovereign state. *Some fjord districts* have in fact been part of Norway for less than two hundred years, with their *own possible legal arrangements* before the actual districts became a part of Norway [my emphasis].⁹⁵⁷

The author comes from Deanuvtotna. This fjord is located in Eastern Finnmark, an area where even the theoretical state borders remained contested until modern times. Taking this historical context into regard, it may not be unlikely that Deanuvtotna is one of those areas where the *siida* system never fully disappeared, and the state system was never fully consolidated. With regard to Inner Sápmi, the indigenous rights movement has gained some degree of recognition from the hegemonic political class in the Norwegian political entity. With the constitutional amendment and the Finnmark Act, the state legislators have also accepted the validity of the new proofs on legal history, which were presented by the Sámi Rights Commission: Since times immemorial, there has been a *de facto* legal pluralism in Inner Sápmi, in spite of *de jure* claims that the state was the only source of law. Local customary norms and local traditional knowledge were maintained and developed since times immemorial, regardless of whether those were codified, criminalized, or ignored by state law. This also means that the states never became the only sources of actual legal norms in Sápmi. If the power to create actual legal norms is called jurisdiction, then the legal pluralism in Sápmi was actually a jurisdictional pluralism. However, jurisdiction in this sense is not the same as sovereignty, if the latter means monopoly of violence. What is challenging for the old state theory is that in Sápmi there were clear-cut *sovereignties* (meaning monopolies of violence), but complex *jurisdictions* (meaning sources of law). In the Sápmi area, the political geography of sovereignty is not identical to the political geography of jurisdiction. Such is the actual legal pluralism, or even jurisdictional pluralism, that was disclosed by the Sámi Rights Commission. There are many reasons why this situation came into being. One reason is that when pluri-national despotic states were turned into democratic nation-states, they then *codified* the local customs in areas that were defined as culturally central to the national culture, while *criminalizing* the local customs in areas that were defined as culturally different from the state-building nation. In Western Sápmi, the Scandinavian peasants were defined as in-group to the Norwegian and Swedish nation-states, while the Sámi peoples were defined as out-group. Political democratization for the in-group implied

⁹⁵⁷ Pedersen 2012: 57-8

colonization of the out-group. Economic development for the in-group implied economic underdevelopment for the out-group. The actual legal and jurisdictional pluralism of Sápmi, at least in its contemporary form, is a product of eugenics and colonization.

International norms did not introduce legal pluralism. On the contrary, when the states ratified recent international norms, they also accepted that there had been a *de facto* legal and jurisdictional pluralism since times immemorial. Both ICESCR and ICCPR (§ 27) deal with *cultural* rights, but only the ICESCR also deals with *social* and *economic* rights. Collective human rights, including the right to indigenous self-determination are not only the right to maintain colorful folklore. They also include the right to *freedom from economic exploitation, freedom from political marginalization, and freedom from territorial colonization*.⁹⁵⁸

The indigenous rights struggle in Deanuvuotna, as well as in other communities in Coastal Sápmi, actualizes all three dimensions of the ICESCR, namely cultural, economic and social. The struggle for indigenous rights for fisher-peasants, and against Norwegian trawler capitalists, is a struggle against *resource grabbing*, and for indigenous *territorial rights*. The ICCPR and ICESCR are interpreted in two competing ways, justified with the two contradictory reports from the Norwegian Ministry of the Environment, and serving the economic interests of two competing blocs of fisheries organizations. *For some, state sovereignty defines the common good* (“allmennhetens interesse”). For them, the fish stocks should be managed as a *national commons*, adjusted by multilateral agreements on environmental protection (NASCO, EU-WFD). This implies that fjord fishing rights along the Barents Coast belong to the citizens of each state. Trawlers from Portugal would not be welcome. Trawlers from Bergen would be welcome because they contribute to Norwegian GDP. That measurement conceals the fact that by grabbing the regional resources, those trawlers also contribute to regional underdevelopment. *For some others*, international norms demand *both state sovereignty and indigenous self-determination* be accommodated in Coastal Sámi fjords, in addition to multilateral agreements on environmental protection (NASCO, EU-WFD). They argue that the right to fish in Coastal Sápmi is a regional right, just as the right to harvest off the land in Inner Sápmi has also been defined as a regional right. Thus, they suggest that the fish stocks should be managed as a *regional common good*, also adjusted by multilateral agreements on environmental protection (NASCO, EU-WFD). This would also imply usage of fishery regulation in order to heal the harm that has been inflicted through forced regional underdevelopment. The fishery conflicts of Coastal Sápmi render visible the intersection of economic interest politics and indigenous rights politics. This does not mean that the indigenous

⁹⁵⁸ Regarding the uneven implementation of these two human rights instruments, and also, the UN Human Rights Council's opinions regarding the indigenous right to traditional livelihood, see part 10.2.3, in particular the footnote about the two human rights covenants. See also part 2.1.1, in particular the footnote regarding the decolonisation of human rights law.

rights movement has an ulterior motive, but on the contrary, that the justification for indigenous rights is systematic discrimination, colonisation and forced underdevelopment.

In many action situations, state laws and indigenous customs prescribe the same actions. This is the case whenever longstanding customs have been codified – or are simply ignored – by state legislation. However, in some action situations, state laws and indigenous customs may be in conflict with one another. This may be the case especially whenever contentions about indigenous rights remain unresolved. This unresolved conflict between competing legal interpretations implies that some people might very well *act in good faith*, while still *breaking international law*. On the one hand, local fisher-peasants may act in good faith in situations where obedience of longstanding customs implies disobedience of state law. On the other hand, state servants may act in good faith in situations where obedience of state law implies violations of longstanding customs.

It is hard to work as a judge at the Inner Finnmark District Court, and the political scientist should not take the normative implications of his writings lightly. In my opinion, the Coastal Fisheries Commission was correct, and my mission is to provide further proof to bolster its claims. I think that those who reject the Commission's claims simply ignore the factual proof – but I must recognize that they may act in good faith, and I do not believe that the Commission offered any panacea. More importantly, I must recognize that some fishing practices, that I see as legal under international law, may be adjudged illegal by others, who are much more powerful than me. For this reason, I have found it necessary to anonymize a few of the local fisher-peasants who have shared their precious traditional knowledge with me during my visits in their livelihood.

11.2.3 Social entrepreneurship and social defence

Some of the tension between small-scale fisheries in Coastal Sápmi, and industrial fisheries in Norway is being channelled through *political entrepreneurship* of the forms that were described in the previous chapter: corporatist participation through the Sámi Parliament, and syndical resistance through the “carnavalesque public sphere”. One is a channel of limited participatory democracy, the other a path of deliberative participatory democracy. Both represent routes to constituent power. However, even when they are combined they provide limited possibilities. Nonetheless, they may also be combined with other paths to empowerment, which deal less with state-led policy processes.

Social entrepreneurship is a recent term used to describe some ways to empower communities, through the cultivation of social capital. This takes place outside state politics. Therefore it is different from what I have called political entrepreneurship, and more similar to what we conventionally know as business entrepreneurship. However, while business entrepreneurship is

private enterprise for individual gain, social entrepreneurship is collective enterprise for the common good.⁹⁵⁹ This is rather similar to the agricultural cooperatives, which were built up in the 1920s, and later enrolled into the corporatist state. Social entrepreneurship stands up to neoliberal innovation clusters, just as the cooperative movement stood up to corporatist centralization. Social entrepreneurship takes place outside the state, in civil society. However, it is limited by state regulations and other structural trains. In regional innovation clusters, different market actors have different opportunities. The WTO is in favor of corporate capitalism, and therefore also against social liberalism. It may also be hard to influence the research agenda for those who are not already insiders in a transnational epistemic community. Social entrepreneurship is limited by already constituted order, but may also offer some limited opportunities to constitute a new order.

Social defence is a term I have taken from Gene Sharp, who uses it to describe social sanctions, non-violent actions, that are being used to maintain and defend a parallel social system.⁹⁶⁰ By choosing this term, my work represents both continuity and a break with the work by Bjørn Bjerkli. He initiated the transfer from economic anthropology to political anthropology in areas where Sápmi and Norway overlap. After the political awakening of the Sámi, Kvän and Norwegian peasants in Kåfjord / Gáivuotna / Kaivuono, anthropologists in the nearby city of Tromsø / Romssa / Tromssa changed their focus from economic anthropology to political anthropology. Influenced by the new political agenda, they also re-read the classics with new eyes. Thus, Bjørn Bjerkli suggests that it may actually not have been quite to the point when Robert Paine observed a culture of “conflict avoidance” and Tim Ingold described “dwelling landscapes”.⁹⁶¹ Being more observant of the political dimension, Bjerkli suggested that what might superficially appear as conflict avoidance may actually be more similar to the action repertoires that James Scott called “everyday forms of peasant resistance”.⁹⁶² Similarly, the dwelling landscape may also serve a function as a “landscape of resistance”.⁹⁶³ This is rather close to the ideas developed by the critical political geographers David Slater and Paul Routledge, for example the latter’s concept of “terrains of hegemony and resistance”. This is also similar to the action repertoires that I observed in the previous chapter, namely corporatist inclusion versus syndicalist resistance. These are concepts in the matrix of civic republicanism: hegemony is the state; resistance is the power of the people. This is well and good, but is not quite fit for situations of legal and jurisdictional pluralism. If it is correct that the *siida* system never fully disappeared, while the states system was never fully consolidated, then the actual constituted order is a *de facto* situation of complex jurisdictions (meaning sources of

⁹⁵⁹ Brøgger & Eikeland 2009; Brøgger 2012

⁹⁶⁰ Sharp 1973; Sharp 1990

⁹⁶¹ Paine 1967; Ingold 1986; Ingold 1995

⁹⁶² Bjerkli 2000; Scott 1985

⁹⁶³ Bjerkli 2010

law) combined with clear-cut sovereignties (meaning monopolies of violence). One may resist Norwegian state laws, and thus challenge a political hegemony that is policed with coercive force. However, one may also resist Sámi customary practices, something that entails challenging a social hegemony, policed with non-violent sanctions. James Scott, the political scientist that coined the term “everyday peasant resistance”, observed resistance against state hegemony in lowland South-East Asia. However, when he turned to the history of highland South-East Asia, he found social reproduction of a parallel normative system, which was more egalitarian and more nonviolent.⁹⁶⁴ Political anthropologists have found that this description also fits to describe some contemporary isolated societies in the jungles of the South-Asian islands.⁹⁶⁵ Scott compared the social order he found to Gellner's descriptions of the Amazigh (Berber), an indigenous people of the Atlas Mountains.⁹⁶⁶ I think this may very well have transfer value to Sápmi as well, especially when having in mind the new findings in legal history that were presented by the Sámi Rights Commission. Inner Sápmi, similar to highland South-East Asia, has maintained and developed a more egalitarian and nonviolent order, in spite of attempted suppression from the states. The question is whether the same has also happened in Coastal Sápmi. This depends on which one of the two conflicting reports that were published by the Ministry of Fisheries we should believe.⁹⁶⁷ If the Ørebech Report from 2005 is correct, then there is no longer any Coastal Sámi culture.⁹⁶⁸ If so, then the discrete subversion of state power in these areas does indeed amount to “everyday forms of peasant resistance”, similar to what Scott observed in *lowland* South-East Asia. If this is the case, then Bjørn Bjerkli was correct to use the term everyday peasant resistance. However, if the report from the Coastal Fisheries Commission, published in 2008, is correct, then there would be a social reproduction of a parallel normative order. This would be more similar to what Scott observed in *highland* South-East Asia. If this is the case, then the term resistance would be slightly misleading, and we should instead use Gene Sharp's term, “social defence”. I have now formulated this as expectations or hypotheses. Below, I provide some samples of information which indicate that, even though the report from the Coastal Fisheries Commission might not be perfect, the Ørebech Report should be seen as having been falsified. Consequently, I do not use the term “everyday resistance”, and instead employ the term “social defence”.

Social entrepreneurship and social defence are two terms that refer to political empowerment outside the state. *Social entrepreneurship* takes place outside the state, but is regulated, enabled and limited by state laws. Thus it is civil society action. It may constitute better

⁹⁶⁴ Scott 2009

⁹⁶⁵ Gibson & Sillander 2011

⁹⁶⁶ Scott 2009: 30

⁹⁶⁷ NOU 2008

⁹⁶⁸ NOU 2005:10, kap. 3.2, cited in Eyþórsson 2008:38

life chances directly, by generating a new market position, or a new epistemic community. It may also constitute better life chances indirectly, through resource mobilization and framing processes that influence constitutional reforms in states or treaties. Thus, social entrepreneurship is a term that may be used to discover a wide range of empowering activities *beyond* political inclusion and political resistance. *Social defence* also takes place outside the state, but it is not part of civil society, because it is not regulated by state laws. Instead it is regulated by the parallel normative system that it defends. For example, it may be in accordance with longstanding customs in an indigenous homeland. However, even though this is not part of civil society it is also not part of any state system. It is action that emerges from a parallel jurisdiction (meaning a source of law), which is free from sovereignty (meaning a monopoly of violence).⁹⁶⁹ Social defence is not aimed at state transformation, but at the maintenance of the parallel, non-state order. However, by defending against intrusive state power, social defence also is an interface between different constituted orders. Social defence is one possible pathway in the co-evolution between the *siida* system that never fully disappeared and the state system that was never fully consolidated. Social defence of the non-state may also have an impact on the course of state transformation.

11.2.4 Constituted order: legal pluralism as social-ecological systems

In the previous paragraph, I defined the concept of legal pluralism, including jurisdictional pluralism. At the beginning of the previous chapter, I defined the concept of structural violence as well. Both terms refer to *macro-sociological* phenomena. As such, they cannot be observed directly. Instead, such concepts remain abstractions about spatio-temporal patterns, but are necessary in daily life to navigate between different concrete action situations. Before I engage in some particular examples that indicate the presence of patterns that can be described as “legal pluralism” and “structural violence”, I will make a *rough sketch* that provides a *general overview* over the social-ecological environment in Deanuvuotna. Macro-political formations may be made somewhat more empirically tangible by approaching them as historical-geographical formations, as patterns with specific spatial extension (and density) and specific temporal durability (and continuity). First, we will turn to environmental and humanistic landscape geographies, and then to political geography. This is a spatially sensitive way of introducing what Elinor Ostrom calls the Social-Ecological System, which she sees as the environmental context of concrete action situations. Environmental

⁹⁶⁹ This definition of “jurisdiction” and “sovereignty” might be peculiar, but I find it useful to refer to a situation of constitutional complexity, where, *similarly* to Latin American countries, some regions may be de facto governed according to longstanding customs among indigenous peoples (Neves 2013, Agnew & Oslender 2013), whereas, *contrary* to the Latin American cases the indigenous peoples do not answer violence with violence. See part 2.2.2, in particular the long footnote on how to define “jurisdiction” and “sovereignty”; and part 4.3.6, in particular Figure 4.2.

landscape geography is an empirical version of what what she calls the “resource system”. Humanistic landscape geography is an empirical version of the *informal norms* within her “governance system”. Finally, the political geography of states corresponds to the *formal norms* within her “governance system”. My object of research is state transformation, hence formal norms within the governance system. However, I explain this as something that co-evolves with the informal norms of the governance system as well as the resource system. Let us see have a look at how state norms are being adapted to the ecological and sociological realities in Deanuvuotna.



Figure 11-1: A view on the Deatnu Fjord, from Durevuohppi

The Deatnu Fjord landscape, as seen from the bottom of the fjord arm Durevuohppi (Indre Torhop). In the background one can see the eastern wall of the Deatnu Fjord, illuminated.

Environmental landscape geography: The Deatnu fjord is the downstream part of the administrative "water area" that is called Teno in Finnish, Tana in Norwegian, or Deatnu in Sámi. The Deatnu fjord is a saltwater ecosystem. The river runs from the south, and the fjord is a canyon continuing north. Steep rock walls to the east and west sides protect the fjord livelihood, but towards the north, the fjord is an open gap into the Arctic Ocean. On the southern side, the fjord branches into a number of smaller fjord-arms. Only one of the fjord arms receives the waters from the great Deatnu River. This particular fjord arm has a special ecosystem of mixed waters, where

the ebbs of salt water meet the flow of fresh water. Those mixed coastal waters have a high degree of biodiversity, and are administered as a natural reserve.⁹⁷⁰ The other fjord arms have small streams emptying into them, sometimes with small wetland areas. Those small streams are part of the Deatnu Fjord Basin, but are outside the Deatnu River Basin. According to the EU Water Framework Directive, the Deatnu fjord and river basins are defined as one administrative "water area". However, it is hard to define where the river basin ends, and where the larger fjord basin starts. Likewise, it is hard to say where the fjord basin ends and where the much larger Barents Sea basin starts. The one drainage basin is folded into the next: the hydrological landscape consists of *complex* or *entangled* ecosystems. Thus, it is somewhat artificial when, for analytical purposes, a system boundary is defined. This is relevant for the politics of natural resources management. The NASCO treaty and the EU-WFD are among the various attempts to overcome methodological nationalism and statism, and to come to terms with the actual geography of complex ecosystems.

Humanistic landscape geography: In the Deatnu fjord, not only the ecosystems are folded into each other. The same is the case for social systems. Demographically, the Deatnu Fjord has relatively high degrees of ethnic richness and financial poverty, when compared to most other parts of the Nordic states. Economically, the households tend to combine wage work with diverse small-scale subsistence practices: fishing, farming, gathering and hunting. Ethnically and linguistically, the households tend to be mixed, with a predominance of either Northern Sámi or Norwegian cultural belonging. This demographic pattern is typical to fjords along the shore of the Barents Sea, though some other socio-cultural minorities and socio-economic classes tend to be prevalent on the Russian side. On the Norwegian side of the Barents Coast, the fjords have received many visits from social scientists in recent decades. Sociologists have documented socio-economic tensions between centre and periphery within the state formation.⁹⁷¹ Anthropologists have described socio-cultural hybrids and tensions between the Kvän and Coastal Sámi minorities, the Mountain Sámi “majority within the minority”, and the Norwegian majority.⁹⁷² In fjords like Deatnu Fjord, sociologists and anthropologists have described how various social systems are folded into each other. In *socio-cultural* terms, minority ethnicities are folded into majority ethnicities. Similarly to how the ecosystems are complex or entangled, there is *cultural complexity* as well.⁹⁷³ In *socio-economic* terms, peripheral local communities are entangled with centralized politics and capital.

⁹⁷⁰ Regarding the natural reserve of *Tanamunningen*, see Finnmark County Governor (undated)

⁹⁷¹ Brox 1966; Brox 1984; Otnes 1070; Otnes 2006

⁹⁷² Paine 1967; Eyþórsson 2008; Brattland 2012; Thuen 2004; Kramvig 2005

⁹⁷³ Frederik Barth (1969) is famous for his ethnologic theorizing on ethno-cultural complexity, and among his sources were Eidheim's (1971) ethnographic observations from Coastal Sámi areas (Eriksen 2004). The term cultural complexity I have from the research project Cultural Complexity in the New Norway (CULCOM). This was led by Thomas Hylland Eriksen, who took some inspiration from Barth, but more from Bateson (1972). For more on the CULCOM project, see e.g. Eriksen, & Næss (2011).

Thus, cultural complexity plus ecological complexity equals *economic complexity*. Those socio-cultural and socio-economic complexities are relevant for the management of natural and cultural heritage. Reforms such as the ICESCR, the ILO169, and the Finnmark Act, as well as the suggestions put forward by the Coastal Fisheries Commissions, can be seen as attempts to overcome the bias of methodological nationalism and statism, and to come to terms with the actual geography of complex social systems.

Political geography: Ecosystems management in the Deatnu Fjord has to deal with ecological and sociological systems that are folded into each other: Such is the case for the mixed coastal waters, where the freshwater of the river ecosystem is folded into the saltwater of the fjord ecosystem. Also, the sociological systems are folded into each other, in a structurally analogous manner. Ethnic majorities and minorities are folded into each other in ethnically mixed kinship and reciprocity networks. Peripheral local communities maintain Longstanding customs and traditional knowledge from the indigenous culture, but the use of natural resources also involves more central nodes at other localities, where capital is accumulated, culture is standardized, and authority is centralized. The *folded ecosystems* and the *folded social systems* produce *folded jurisdictional systems*. Thus, even though there is clear-cut sovereignty (meaning a monopoly of violence), there are multiple and territorially overlapping normative sources. Actual norms used in actual natural resources management is not (only) imposed by coercive force, but are (also) maintained and developed through the hands-on use of natural resources.

What does the folding of ecological and social systems in the Deatnu fjord mean for our understanding of political systems in the area? Does the Norwegian state co-exist with parallel or competing legal orders? What is the social status of codified laws and longstanding norms in the actual customary praxes of the local community? What is the practical usage of state-certified science and local lore in the actual knowledge praxes of the local community? Are we actually dealing with structures that should be seen as two distinct socio-ecological systems: state laws and state-certified science on the one hand, and local indigenous customs and local indigenous lore on the other hand? And, if these should be seen as relatively autonomous formations, how do they co-evolve? My tentative answer is twofold: *First*, the Coastal Fisheries Commission was correct to suggest that the conditions in Coastal Sápmi are similar to the conditions that the Sámi Rights Commission found in Inner Sápmi. *Second*, in both areas, the *siida* system never fully disappeared, and consequently the state system has never been fully consolidated, at least not until it might attempt to codify the longstanding customs it had previously attempted to criminalize.

11.2.5 Constituent praxes: entrepreneurship and social resistance in action-situations

In order to be as “hands on” as possible, I chose to direct my attention to concrete action situations, the smallest unit of analysis in Elinor Ostrom’s SES framework. I will turn to what she calls the “operational level” of fishery management, that is, what fishers do in the boat and at the location where fishing takes place, at the quay and at the receiving facility, in the kitchen and during the shared consumption. Thus, by following the flesh of the salmon, the reader and myself are also tracing particular connections in the network of “adjacent action situations” as Michael McGinnis called it, the social circulations whereby deliberation in one action situation may further develop the norms that regulate behaviour in another action situation. This method provides us with a few selected samples of a rather complex process: how informal and formal institutions are maintained and developed in everyday action situations. This is the same as how a state is made and maintained through mundane, everyday practice (according to the anthropologists Nustad and Krohn-Hansen, cited above). By taking a few selected samples from the actual network of adjacent action situations in a local fishery community, I exemplify a few of the particular mechanisms that are at play in the maintenance and development of institutional norms. This is particularly interesting when we deal with a local community, which, according to some, is governed both by written state laws and by unwritten indigenous customs. I think my particular observations provide further evidence to support this view. I will present examples of some customs that are regulated by state law; other customs that the state does not care about, but which regulate themselves; and finally, a few customs where there is still an unresolved tension between the two normative systems. According to how those samples are contextualized, they may be read in two different ways: Either, they indicate everyday forms of peasant resistance against a hegemonic political system, or alternatively, they indicate the continuous maintenance and development of longstanding customs, regardless of whether those have been codified, criminalized or ignored by the state.

My selection procedures are not statistical, and consequently, I have no pretensions about saying anything whatsoever about the relative prevalence of various forms of practice. My purpose is to find indicators of actual *possibilities*, not probabilities, in other words, *mechanisms*, not correlations. The method is to “follow the flesh” of the salmon, as this asset/sign/biomatter circulates through the social ecology. Geographically and thematically, my attempt to follow the salmon flesh through the Deatnu fjord brought me to some specific sites in the *topography*, and some specific terms in a *typology*.



Figure 11-2: Panorama over the fjord arm Deanudat, from its western side
Panoramic view over the fjord arm Deanudat (Vestertana), seen from the eastern side of the fjord arm. The fish receiving facility is at the middle, the main fjord at the far right.

Topography: The attempt to follow flesh of the salmon through the downstream Deatnu area brought me to some specific geographic sites (material *topoi*.) This is the matter of topography, the description of sites, the scene for the terrains of hegemony and resistance. My travel memories from the summers 2011 and 2012 include visits at three particular “fjord arms” within the larger Deatnu Fjord (Deadeanuvuotna / Tanafjorden). *One fjord arm* is called Deanudat (Vestertana). This is where the fish receiving facility is located, as well as the home farm of the Labor party politician Helga Pedersen. Here, I got involved in *verdde* relations with members of the Larsen family, who are much involved with small business entrepreneurship in the fish receiving facility, and the Pedersen family, who are much involved in state-led policy processes. Bonding with those two families provided me with much knowledge about a variety of politically significant practices in the fjord. *Another fjord arm* I visited is Čuollovuotna (Tarmfjord). Here I developed *verdde* relations with Truls Abbedissen, who is half-local, half-tourist. Every summer, he returns to the house of his grandfather, where he maintains some traditional knowledge about traditional rod fishing (*oaggu, dorging*) in salt water, and commits himself to tourist angling along the river and in the outfields (*meacchi*). His biography shows some rich cultural hybrids between indigenous and tourist. Together, we went to the midsummer celebration at Storraoaivi (Indre Torhop), where we met people from all over the fjord. *The third fjord arm* I visited must remain anonymized. This is the home of three fisher-peasants that I also have anonymized. *I have not visited* Guro Saniola Bjerk in Austertana. She made a well-known documentary film about local people that are skeptical to the ongoing legal reforms. However,

hers is only the *most publically outspoken*⁹⁷⁴ among the myriad of *different voices* that are ignored in the present study. In my view, her polarized view makes a caricature of the actual social conflicts, and before I interviewed her, I would have prioritized the publicizing of data about more *hybrid* practices and identities. For example, I regret that I have not included my ethnographic material from *oaggun* with my new friends Truls Abbedissen and Rajan Chaomar, in the outfields (*meacchi*) as well as the main river. These two persons exemplify cosmopolitan hybridities between Sámi, Scandinavian, and Kurdish ethnicity, and I regret that their stories are not told here. There is no reason to pretend that I know the Deatnu Fjord as a whole. In practice, all fieldwork research projects are multi-sited, because it is not possible to directly observe any community “as a whole”, and instead one must find indicator samples by visiting particular action situations in particular geographical sites.⁹⁷⁵ There is always a selection process, and the selection criteria can seldom be statistical (see Chapter 4 for a discussion on selection criteria in abductive research). Thus, the biases cannot be controlled by being neutralized, but by the ethnographer informing his readership about the “positionality” of his work.

Thematic topics (typology): By following the salmon flesh trough Deanuvuotna, I was brought to action situations that are not only located at specific geographic sites (spatial *topoi*), but which also involve specific thematic topics (discursive *topoi*). Taking field notes was an attempt to put what I observed into words. Writing the ethnography was an attempt to interpret the field notes. Both acts involved some terms I had learned from my previous education (etic view), but also some other terms that I learned during participation (emic view). The terms I had previously learned (etic view) were mainly acquired from my experience with the theory and practice of environmental politics, in particular various terms about grass roots democracy.⁹⁷⁶ The terms I learned in the field were inspired by three different kinship and affinity networks: the Pedersen family in the Deanudat fjord arm are much involved in state politics, and brought me into touch with what I call *political entrepreneurship* (see Chapter 10). The Larsen family, in the same fjord arm, are more involved in local business and economic development, and brought me into touch with what I call *social entrepreneurship*. Finally, three fisher-peasants, about whose names I will remain silent, introduced me to the other side of the Deanuvotna fjord, where I got a few samples of practices that are stigmatized by the state administration, but framed as conformism by the actors themselves. These were actions that I had discovered because I was interested in repertoires that are called radical

⁹⁷⁴ Guro Saniola Bjerk: Fjellfinnhua – film screening at Fritt Ord, Oslo, 12. January 2011 [http://www.fritt-ord.no/no/hjem/mer/fjellfinnhua_usensurert_samepolitikk_Finnmark/]

⁹⁷⁵ Marcus 1995

⁹⁷⁶ Terms regarding grass roots democracy in environmental politics include (among others) “bioregionalism” (Barry 1999), “policy net” (Jordan & O’Riordan 2000), “sub-politics” (Beck 1993, 1996a, 1996b) and “anti-politics” (Katsiaficas 2006).

democracy in the environmental movement, which includes civil disobedience. However, what I found was not radical, because it is practiced by politically moderate persons who frame their own actions as morally conformist. This is what I suggest to call “social defence”. This interpretation emerged through a dialogue between local terminology (emic view) and my formation (etic view), and is therefore what I have called an *abductive* approach (see Chapter 4). The *emerging typology* is summarized in Table 11.1. Political entrepreneurship is found in the left column. This includes all the action repertoires that I traced in Chapter 10, all of which are aimed at influencing the formal constitutional process within the state apparatus. The other repertoires, which will be exemplified in the present chapter, are described by the two columns to the right. For the moment, it is sufficient to regard those two columns as one. Both deal with pathways of constituent praxes and constituted order outside the state formation. Some action repertoires follow rules of the game that are codified by states and inter-governmental treaties. These I call social entrepreneurship. Some other actions follow rules of the game that are maintained as local customs, and ignored by the states. These can be called maintenance of community. Finally, there are some actions that are normatively ambiguous: they are accepted as moral conformism in the local community, but are stigmatized as uncivic behavior by the state bureaucracy. These are the actions that I call “social defence”. Now I will present the empirical samples. Then I will discuss the action repertoires in a more detailed version of this table.

Table 11-1: *Typology for the repertoires of constituent praxes, applied to Deadeanuvuotna*

	<i>Politics of state (coercive force)</i>	<i>Politics of economy (customary praxes)</i>	<i>Politics of knowledge (knowledge praxes)</i>
Action repertoires	Political entrepreneurship (inclusion or resistance)	<ul style="list-style-type: none"> - Social entrepreneurship (within state's norms) - Social defence (conflict between norm systems) - Maintenance of community (indigenous norms) 	

11.3.0 Social entrepreneurship: samples from the Deanudat fjord arm

11.3.1 Return to the field: ethnography of entrepreneurship

Fisher-peasants in Deaanuvuotna are not rich, but they are industrious. The reader will now be brought to some concrete action situations that provide samples of *social entrepreneurship* in various forms. We will now follow the flesh of the salmon, through a series of photographs and field notes. These samples are taken from the Deanudat fjord arm. This is where the fjord's fish

receiving facility is located, and much political work has been based in this community. After briefly introducing the reader to this specific area, we will follow the flesh from the fishing location, via the quay and the fish receiving facility, to bio-scientific reporting and storage at the same facility. From there, we will not trace its further distribution through the capitalist market system, but will instead observe its use values as an asset for nutrition and *verdde* in the local community. This is a linear process, and it is supposed to be, in line with the anthropological method of tracing the circulation of material things.⁹⁷⁷ The different phases in this circulation actualize various social functions ascribed to the object.

1. At the fishing locations, we will meet the political salmon, and we will visit the political struggle about the right to fishing locations.
2. At the fish receiving facility, we will meet the economic salmon, and will peek into the social mobilization for regional development.
3. In the local “laboratory” of bio-scientific reporting we will meet the scientific salmon, and indicate the complex interaction between scientific and political deliberation.
4. Finally, when we arrive at the kitchen, we will address the salmon as a “total object”. There, we will have a more holistic look at the entangled issues of political, economic and epistemic empowerment.

Thus, the text is written in such a way that it traces the circulation of salmon flesh through a local “production line”, from the fisher’s fishing location, to the stomach of the fisher’s guest and friend. On the way we pass through various concrete places in the *local topography*, but also several abstract issues in the *thematic typology*: political power, economic power and epistemic power. In chronological order we will therefore discuss:

1. The political salmon
2. The economic salmon
3. The scientific salmon
4. The salmon as a “total object” in an anthropological sense

Since those aspects of human existence are functionally integrated in the local community, it is convenient to end this little story by addressing the salmon as a “total object”. One and the same object, in this case salmon flesh, serves several functions. Each of those functions will *enable* or *empower* humans to do carry out various forms of praxes. Therefore, each of the different functions constitutes a different form of *social power*. To understand the impact of each of the three types of social power, each should be understood in the context of how it interacts with the other two types. The conceptual division between three different functions, or three different forms of

⁹⁷⁷ Appadurai 1998

empowerment, do not correspond with any empirical divisions in the practical reality. As a “total object”, salmon flesh serves *social power in many different ways*. If we define “political” widely, then it is the *totality* of the various use values that is the actual political salmon. The biography of the salmon flesh in Deanudat is a story about multiple paths to empowerment.

As with the reflexive sociology in the previous chapter, the present chapter also is occasionally self-reflexive. The ethnographer should be aware of his or her own positionally in the field, and how the act of observation may influence the object of research. Participant observation in this Coastal Sámi community implies gradual integration into the local social fabric, by growing a network of reciprocities that deepen and diversify.

Fjord fisheries are a main source of livelihood for the local people in the Deatnu fjord. The fish is used for subsistence, as an asset for gift exchanges, and finally, is a source of income. The local fish receiving facility is an important location for all fishermen in the fjord. This saves the fjord fishermen from long travels in their small boats. The fish receiving facility is located in the fjord arm called Deanudat in Sámi, or Vestertana in Norwegian. This is a local centre for local economic life, and also a social meeting place, where people deliberate over matters of interest to the local community.



Figure 11-3: The quay, fishing boats and the delivery of King crab catch, August 2011.

Left: The quay, and some fishing boats. Right: Weighing a King Crab.

The first time I arrived at the quay, a small and swift fishing boat landed with a load of red king crab. At the regional office for the Water Framework Directive, I had been told that many ecologists and environmentalists regard this so-called “immigrant” species as a threat to local biodiversity in its presumed “state of nature”. After unloading the crabs, the young fishermen had a smoke with me. “The red king crab is a blessing” Roger claimed. Geir showed me their new fishing boat: Icelandic production, swift moto; a convenient time saving tool. “Without the king crab we would have to leave the local community, to find other work,” he claimed.

However, I was more interested in salmon fisheries. Indigenous rights activists had told me that this particular type of fishery had become a symbol of traditional indigenous fisheries. The two young men were not interested. "First you must fight the seals. Then you must struggle against the state." We left the quay in their SUV. The following day, I met the local fisherman Reidar Larsen. He served cloudberry from the outfields and coffee from a thermos. He was worried about the recruitment to small-scale fisheries. Most young people find less risky business. Few of them find time to work with the old people on the ocean or in the outfield. There is a loss of practical skill and natural lore – bio-cultural diversity.

The anthropologist Gro Ween read through the draft version of the text above. She had done fieldwork in the same waters. In the margin, outside the ethnographic fragment above, she jotted down: "What does this say? There are complex inter-species relations, which transcend the thoughts about wild or hybrid in the bureaucracy." These are interesting issues about the relationship between *nature and culture*, a topic that is Ween's field of expertise. My interest at the moment is on another topic: forms of *empowerment*. These topics are related. She mentioned "complex inter-species relations". This includes conjunctures in the ecological "web of nutrition": Salmon fishing is important to maintain bio-cultural diversity, but has lost some of its importance for subsistence. King crab has become more important for subsistence, but as a "migrant species" it challenges the traditional definitions used by the state bureaucracy. Ecological dynamics pose continuous challenges, both *cognitively* and *normatively*, for the utilisation of the resources. Therefore, *knowledge praxes* and *customary praxes* are continuously fitted to the changing *social-ecological opportunity structure* (*Fortuna*), and by negotiating revisions of lore and customs, fishers may build their *capacity for sustainable local development* (*Virtù*). Local fisher-peasants seek various paths to social development; they are *social entrepreneurs*. The process of socio-economic and socio-cultural is *empowerment*, and hence *political in a wide sense*. However, it is also *political in a narrow sense*, because there is a social struggle to set the agenda for policy and research in the state. State-certified science interacts with local lore. State-codified laws interact with local customs. The competing fishery interest organisations have competing policy and research agendas. As Roger and Geir put it, "First you have to fight the seals. Then you must struggle against the state." That is why they chose not to practice salmon fishing, something Reidar laments as a loss of traditional knowledge, and ultimately a weakening of bio-cultural diversity and indigenous culture. What is at stake is the sustainable usage of the natural and cultural heritage. It would have been interesting to observe how the introduction of king crab leads to innovation in customary praxes and knowledge praxes, both those forms that are certified by the state, as well as those maintained in the indigenous culture. However, that will be another story. I will focus on what the sustainable management of salmon and sea salmon fishery implies for the (re)production of customary praxes and knowledge

praxes. In this way, salmon flesh becomes an indicator of how local fisher-peasants may empower themselves along this Coastal Sámi fjord.

In her comment on the ethnographic framgment above, Ween continued: “And here is outreach. Reidar gives you something and hopes that The Gift will have an effect.” The bite worked. The fisherman caught the researcher’s interest. The following year, I returned for the salmon season.

11.3.2 Out to the fishing locations – the political salmon

For the sea salmon fisherman, the fish is caught at specific fishing locations in the fjord, where his fishing net has been standing in the water overnight. Each *fishing location* is clearly defined. Each *fishing hour* is clearly defined as well. Each sea salmon fisher possesses the right to fish at specific fishing locations, for the duration of specific fishing hours. The exact definition of fishing locations and fishing hours is determined by a mix of state law and indigenous law. These definitions may be seen as a *property rights* regime. In order to sort out some tensions between state law and indigenous laws, the sea salmon fishing rights are now regulated by the Finnmark Estate. Thus, the state has also recognized that legal pluralism is a fact of life for sea salmon fishers. Let us have a look at a concrete fishing location and a concrete fishing hour, in order to observe institutional norms in an action situation that Elinor Ostrom would have classified as an “operational level”.

When I returned to Deanudat for the salmon fishing season, I was welcomed by Reidar Larsen. He knows the local waters well. Throughout his career, he had been committed to sustainable local communities, both as a small business entrepreneur, and as a local politician for the agrarian Centre Party. During his many years on the fjord, he has learned to navigate to the different places where the various fish species tend to swim, and he has experienced how to survive on the fjord during arctic winter storms. He welcomed me warmly, eager to share his special competence. One day I followed Reidar on his two trips to check his salmon nets. He picked me up early from my tent, and drove us to the quay. On our first trip, I brought my camera in a dry bag, as a tool of observation. On the second trip, I left it at the quay, in order to experience how the fishing is carried out.

[Field note, 27.06.2012] When we arrived at the quay, we had to change cloths. We pulled thick plastic “oilskins” outside the cloths we were wearing. [Then we entered a dinghy.] Reidar took the ballast out of the boat, two large stones in the front. We sat down, and he drove us outwards. The water was still. It was rather cloudy. Soon it also became cold, as I was wearing too little clothing.



Figure 11-4: Reidar Larsen, a sea salmon fisherman, on his way to the fishing location, June 2012

Left: Steering the boat. Right: Approaching towards the buoys.

Outside Deanudat, within the Deanuvuotna proper, we came to the first salmon fishing location. The nets were resting high in the water, since the salmon, and also the sea trout, swim close to the surface. There were two gillnets, hanging from two float lines, tied up in parallel between two orange buoys. Each buoy was anchored to the sea bed with a stone that weights half a ton. One “leading net” (ledegarn) was stretched out crosswise, with a line that ran out from the shore, ran through two small floats, and ended in an orange buoy at the other end.



Figure 11-5: Arriving at the salmon fishing location: the allotment used by Reidar Larsen, June 2012.

Left: Buoys and lines that hold the gillnet. Right: Lines are anchored in the shore, where a number is written.

Reidar used a kind of “pike pole” with four hooks to get hold of the net, and he went systematically through from the one end to the other. Each time he found a fish, he had to use other tools. There was a hook on a long handle, and another hook on a shorter handle. Those were used to get hold of the net that had entangled the fish, and to pull the fish out through one of the large and wide meshes of the net. Thereafter the fish was “bløgga” [had its throat cut] with a knife, and ended up on the deck. The fisherman went on further through the net.



Figure 11-6: At the fishing location: Reidar Larsen checking his salmon nets, June 2012.

Left: The fisher "bløgger" the fish. Right: Un-entangling the catch.

This was repeated twice [...], since Reidar uses two installations with salmon nets, at two different places. The places are numbered. They were assigned by The Finnmark Estate, especially after former users have died. It was the same way in Čuollovuotna where Olaf had taken over the fishing location after his close friend Per. [The week before I went with Reidar, I had visited Olaf. Both engage in sea salmon fishing. They live in two different arms of the Deatnu fjord: Deanudat and Čuollovuotna.] [...] [A]t Reidar's locations, the catch wasn't great today. He got seven small salmon, of the size that is called diddi.



Figure 11-7: The catch of the day, Reidar returning from the salmon fishing location, June 2012

Left: Five small *diddi* salmon and one sea trout. Right: Steering back to the quay.

Whose are those fishing locations? This ethnographic glimpse shows sea salmon fishing at an operational level. The reader has been introduced to what these fisheries actually are, as a concrete, practical reality. However, to do fishing is not only to carry out technical routines. Additionally, the routines follow and maintain a specific script with normative significance. The behaviour of the fisherman is *technical*, in the sense that it is instrumental to catching the fish, and it

is *practical*, in the sense that it obeys and confirms a specific fishery management regime. From a purely technical viewpoint, it might have been easy to put fishing nets all over the place, and to let them stay there every day for the whole season. In practice, however, that would be impossible, because it would have led to severe social sanctions from peers in the fisher-peasant community. Reidar and Olaf rig their gillnets at places that are accepted as theirs to use. This right is respected locally. Additionally, it is certified, blessed and protected by the Crown. In the Deatnu Fjord, one cannot take for granted that the local people and the Crown actually concur on such issues. Most people I have met in Deanudat and Čuollovuotna publicly recognize that the Norwegian state has the sovereign right to certify property and user rights in the fjord. Still, in confidential conversations, I have heard some of the most lawful individuals whisper: "Actually it's still a colony" (see Chapter 10). Whose land and water is this? What political collective is the legitimate owner of the territory? International law recognizes the right of states to national sovereignty. However, since the 1980s, international law also recognizes the right of indigenous peoples to collective self-determination. Thus, international law accorded political protection to the secret whispers. Thereafter, it has been more difficult for state legislators to criminalize local customary law. The ongoing reform of the political system is the reason why today it is the *Finnmark Estate* that assigns fishing allotments to Reidar and Olaf. In the decades before 2005, the sea salmon fishermen in Deatnu had to get their papers from *Statsskog*, an agency that takes care of the Crown's properties. After 2005, they get the papers from the Finnmark Estate, which is a joint venture between three partners: the Norwegian state government, the Norwegian Sámi parliament, and *Fylkeskommunen*, a municipal democratic body at County level. So whose lands and waters are these? In the decades before 2005, the Norwegian state used to claim ownership of the natural resources of its northernmost county. After 2005, a new coalition of political power had to be taken into account, but also strong historical proofs about ownership in the region. The Finnmark Estate is a result of the social and argumentative empowerment of the Sámi rights movement, the municipal-democratic movement, and the political institutions that those two movements had gained. Regarding ownership of the salmon fishing locations in the Deatnu Fjord, the conflict might have been resolved with the Finnmark Estate. It is interesting that the Finnmark Estate has given its blessing to old Olaf using the fishing ground of his late friend and neighbour Per. Because Olaf and Per had cooperated closely in the local kinship and affinity network, Olaf had already been part of Per's household economy. Sámi households tend to be based on kinship and reciprocity networks (*verdde*), while Norwegian households tend to be defined by the nuclear family. Thus, the Finnmark Estate respected local Sámi norms when it gave its blessing to Olaf's use of Per's old salmon fishing ground. (I have found examples of the opposite attitude from state agencies with regard to river salmon fisheries.) The example of Olaf may indicate that state law has been brought into

harmony with local customs, regarding the allotment of salmon fishing locations in the Deatnu fjord.

However, the struggle continues. Though the issue of ownership of *fishing locations* might have been sorted out, the allocation of *fishing hours* remains highly contested. The legal season for sea salmon fishing has become steadily shorter, and within that season, the legal fishing days per week have become fewer. Therefore, the sea salmon fisheries in the Deatnu Fjord have been strictly regulated.⁹⁷⁸ Relatively fewer regulations have been imposed on other forms of fisheries that harvest from the same stocks. Net fishing and *oaggun* in the Deatnu River have been regulated, but not quite as strictly as the sea salmon fisheries. At the same time, the two state governments that share the Deatnu waterway have allowed increased levels of tourist angling. Finally, there has not been any attempt to regulate or even register whatever portion of the local salmon stock might be caught by larger vessels from more central locations in Norway and Russia. For the local fjord fishers, it is natural that salmon fishing will go up and down, as will fishing of other species. During some periods, there is much of one species, during other periods, there is more of another, and this is the result of *ecological cycles* or conjunctures. However, it is a product of *state intervention* and *market intrusion* when salmon fishing by large vessels is neither monitored nor controlled, while sea salmon fishers find their fishing hours cut dramatically. As Roger and Geir say, “First you must fight the seals. Then you must struggle against the state.” Tensions remain in the actual property rights regime.⁹⁷⁹ Some of these tensions might seem to have been resolved, with regard to the allotment of fishing locations. Those are granted according to longstanding indigenous law as well as codified state laws. However, other conflicts remain unresolved, with regard to the allocation of fishing hours. It seems as though policy and research in the state remain politically biased, with the following order of priority:

1. Industrial fisheries from more central locations in Norway and Russia avoid monitoring or regulation of their eventual fishing from the local salmon stocks.⁹⁸⁰
2. Sports anglers from Finland (mostly common people) and Norway (mostly urban bourgeoisie) have succeeded to congregate into international alliances, capable of encouraging their own form of fishing, at the cost of other fishing.⁹⁸¹

⁹⁷⁸ Finnmark Commission 2010

⁹⁷⁹ For further details on this issue, see Norwegian Official Report 2001 (NOU 2001:31), and in particular Helander 2001 (thanks to Gro Ween for this reference).

⁹⁸⁰ Larger vessels from South-Western Norway still come there to exploit the local resources with mobile gear (Pedersen 2012:53).

⁹⁸¹ Burgess (1996) reports that NASCO led Norway to forbid drift net fishing in 1989. Such a policy was of joint interest for anglers as well as small-scale fjord fisheries. However, Burgess also reports that an international lobby group, The North Atlantic Salmon Fund, (NASF) raises funds to buy local fishing quotas without using them (Burgess 1996:7, citing an archival resource: p. 2 in Arctic Salmon 1995: “Salmon fishing experience in Russia, Norway, Finland and Sweden”. No.1. Kuusamo: Occasional publication.)

3. Traditional rod fishing (*oaggun*) among the River Sámi in Deatnu tributaries appears to have avoided the heavy regulations, because their activities resemble sports angling.
4. Traditional net fishing among the River Sámi along Deatnu is regulated in an uneven process, with different legislation on the Norwegian and Finnish sides of the river.
5. Traditional sea salmon fishing among the Coastal Sámi in the Deanuvuotna Fjord is the form of fishery that is most heavily regulated, via strict cut in legal fishing hours.

This prioritized order is no mechanical reflection of a pattern of social stratification. However, I have a strong impression that the *top* and the *bottom* of the scale express what is the top and bottom in the social stratification of the various fisheries that share the salmon stocks in the Deatnu Water Area. One main issue of contention is one that I addressed in the previous chapter: whether or not there still is a vibrant indigenous culture in Coastal Sápmi, which would constitute the basis for indigenous human rights according to international human rights law. If there has actually been a continuous presence of indigenous culture in Coastal Sápmi, then collective human rights would clearly be relevant to protect the local natural-cultural heritage, the local bio-cultural diversity, and the local freedom from neocolonial fisheries. The politically contentious question is: Did the ancient Sámi culture actually survive the harsh eugenic assimilation policies of the past?

[Travel memory 23.08.2012] [Reidar] steered the small boat in a smooth movement right into the right “booth” at the dock. [...] In order to do that, he decreased the velocity of the motor [a little, then a little more]. The sound was changing; it was tuned down into an increasingly deeper bass. At the same time, the boat glided ever slower, while Reidar tilted the helm ever more to the left. By precisely adjusting the course (the derivate) at every single point in the swing (the curve), Reidar managed to guide the boat to the right place with no use of reverse gear.

Is this traditional knowledge? Here is an example of *tacit knowledge*, but is it also “traditional”? This question became a political and juridical one with a governmental report on “The Natural Basis of Sámi Culture”.⁹⁸² The argument is that the right for indigenous people to enjoy their own language and culture implies that certain livelihood adaptations must be protected as well, since material and immaterial culture are embedded into each other. This is relatively uncontroversial with regard to Reindeer husbandry, which has been an ethnic Sámi trade in Norway and Sweden since the late 1800s. However, when it comes to Coastal Sámi areas, the issue is much contested. As I discussed in the previous chapter, the Norwegian Ministry of Fisheries has published two contradictory reports regarding the issue of indigenous rights in Coastal Sápmi. The report from 2005 concluded that the indigenous culture disappeared during the period of eugenic assimilation.⁹⁸³ The report from 2008 concluded that the indigenous culture in Coastal Sápmi had

⁹⁸² Norwegian Ministry of Justice and Police 1997

⁹⁸³ Norwegian Official Report 2005 (NOU 2005:10): chpt. 3.2, cited in Eyþórsson 2008: 209

been maintained since times immemorial on the “social backstage”.⁹⁸⁴ If the first report is correct, then the class struggle is not also an indigenous rights struggle. If the second report is correct, then this is both an indigenous rights struggle and a class struggle. The first report is referred to by the hegemonic political class in the Norwegian entity. The second report is supported by the social scientists that research the issue. If the social scientists are correct in their assessment of the relative reliability of the two reports, then the policy process so far has not been determined by the power of the better argument. At the end of the present chapter, I will argue why I think this is the case.

We have followed one sea salmon fisherman to one of the allotted fishing locations, within one of the allocated fishing hours. Thus, we have had a look at what sea salmon fishing actually is, in technical terms. However, we have also discussed how the actual fishing follows a specific normative script, in practical terms. This normative script implies respect for delimited fishing locations and fishing hours. The allotment of fishing locations appears to be in accordance with longstanding indigenous customs and codified state laws. However, the allocation of fishing hours remains highly controversial. The hegemonic political class in the Norwegian political entity denies that the longstanding indigenous culture has been continuously maintained in Coastal Sápmi, and consequently they claim that the local fish resources are national commons for the state (including adjustments for the NASCO) treaty. However, the Coastal Sámi political entrepreneurs argue that the indigenous culture has in fact been continuously maintained on the social backstage, and consequently, that the local and regional fish resources actually belong to the local and regional population. If they are correct, then the strict regulation of sea salmon fishing, combined with the liberal regulation of larger vessels, amounts to neocolonial resource grabbing. If the indigenous culture has been continuously maintained, and the ICESCR (and the ICCPR §27) therefore applies, then the state has regulated salt water salmon fishing in a way that implies *stealing* from the poor and giving to the rich.

Let us now follow the flesh of the salmon further throughout the value chain. While fishing locations actualized the issue of property regimes, the fish receiving facility and its local laboratory will actualize economic development policies and the management of bio-science. Finally, sharing fish meat at the table will actualize its local function for social integration.

⁹⁸⁴ Norwegian Official Report 2008 (NOU 2008:5)



Figure 11-8: Local people at the quay, the Deanuvuotna's fish receiving facility in Deanudat, June 2012

11.3.3 Back to the quay – the economic salmon

When we follow the salmon flesh from the fishing location to the quay, we pass from one site to another. This also changes the thematic focus. The politics of property rights regimes were in focus at the fishing location. At the fish receiving facility, however, the politics of regional economic development will come into focus. When the fish has been dragged up from the water, it immediately becomes an economic asset. It has to be handled with care, to maintain its use value and exchange value. Fjord fishers in Deanuvuotna are raw material producers in a periphery. Such an economic position actualizes specific challenges for the local social entrepreneur.

When we returned to the quay, I was frozen. Reidar appeared to be in the same good shape [...] I was sent to get a plastic container, and this Reidar filled with fish. [Fieldnote, 27.06.2012]

The fisherman smiled. “I enjoy relaxing with some salmon fishing after the heavy fishing is done.” He said it in a light tone. The ethnographer took notice that his own academic *body was not habituated* to the activity, but he had read in a book⁹⁸⁵ that a good ethnographer must experience the *practical habit(u)s* of others.

⁹⁸⁵ Madden 2010

The quay as a “community forum”: I went to get the plastic container, as the fisherman had requested. To carry it between the storage house and the dinghy, I had to cross the pier. More people had come since we went out in the morning. They had gathered around two big containers of red king crab. Some were at work. Others appeared to be off duty, remaining there for a chat, getting the latest news and being sociable. I would get to know several of the faces over the days. The quay is the main social forum of the community, like the village square in the Italian countryside. Today the Italians call it *piazza*, but the Romans called it *forum*, and today we use their word as a metaphor describing any meeting place. The quay at the fish receiving facility looked like a village forum to me, and soon I would learn that this resemblance was more than mere impression. Later I would learn what socio-economic importance the facility has for the whole Deatnu fjord. The quay appears to be an economic heart and a social mind of the local community. My knowledge about the fish receiving facility has come about from me taking part in particular activities with particular persons, such as Reidar and others.

The facility as a local “growth machine”:⁹⁸⁶ The fish receiving facility in Deanudat opened in 2009. The state television channel reported: “So unique is it to open a new fish receiving facility, that minister of fishery Helga Pedersen came with home made chocolate cake to celebrate that the home community has got its own fish receiving facility” The minister was interviewed, and said: “This is a bright spot in the midst of the financial crisis, and it gives the fishers in the Deatnu fjord a place to deliver their catch.”⁹⁸⁷ I would learn more about the political economy of the facility after we had left it. Reidar would invite me to his house and serve bread loaves with cold fried salmon, and I would jot down the information. There is one dock where the boats are moored, and there is one quay with a fish receiving facility. The dock is municipal. It was initiated through municipal democracy, and was implemented through municipal planning. Local people in Deanudat are active in the Labor Party and the agrarian Centre Party. The staff at the municipal planning office have a professional interest in sustainable development. So, the dock is a result of a complex policy process: local political entrepreneurs, political parties at the municipal level, and the municipal planners, were all involved. The fish receiving facility is not municipal, but is owned by a stock company, *Tana fisk og sjøfarmer AS*.⁹⁸⁸ This company was originally set up when local fishers started an experiment with cod farming. When that effort failed, they decided to build their own fish receiving facility instead. The funders were various public and private actors. *Tana fisk og sjøfarmer* is a small stock company. Local fisher-peasants put their private savings onto a common pool, together empowering themselves to build facilities for shared benefit. This way of doing things is

⁹⁸⁶ Molotoch 1993

⁹⁸⁷ Myreng & Arvola 2009

⁹⁸⁸ For public info about the company (in Norwegian) see <http://www.purehelp.no/company/details/989717278> last retrieved 5. May 2014

well known from the *agrarian cooperative* tradition in the Nordic countries. However, *Tana Fisk og sjøfarmer* is tailored to new economic opportunity structures, and is therefore organized as a small stock company. Seven individual fishers own a bit less than 10% each, about 65% in sum, but they have also mobilized finances from outside the fjord community. Nearly 35% of the stocks are owned by a regional investment company for Inner Finnmark, *Indre Finnmark investeringselskap AS*.⁹⁸⁹ The investment company is a tool of regional socio-economic development, and had been created by four local municipalities: Deatnu (No: Tana. Kv: Teno), Kárášjohka (No: Karasjok, Fi: Kaarasjoki), Porsángu (No: Porsanger, Kv: Porsanki) and Unjárgga (No: Nesseby, Kv: Uuniemen). All four are Norwegian municipalities, but three of the four are also located in Coastal Sápmi, while the fourth is in Inner Sápmi. One contains most of the downstream Deatnu River and Fjord, another the “Norwegian” part of upstream Deatnu River. Thus, the investment company is a tool of regional socio-economic development in some of the areas where Sápmi and Norway overlap. Various funds have been established to stimulate socio-economic development in areas where Norway and Sápmi overlap. Some local social entrepreneurs benefit from the Sámi Development Fund (*Samisk utviklingsfond*), the investments of which are decided upon by the Norwegian Sámi Parliament.⁹⁹⁰ This is slightly different from how it works at the fish receiving facility in Deanuvuotna, because Inner Finnmark Investment Company gets much of its funds from Finnmark County-Municipality. The County-Municipality and the Sámi Parliament are the products of two slightly different waves of democratization, as I have discussed above (in Chapter 8, in the genealogy of the Finnmark Act). The Sámi Parliament is a result of the indigenous human rights struggle that took place since the mid 20th Century, while the County Municipality is a product of the agrarian cooperative and municipal movement, which started in the mid 19th Century. Both movements are generally in favour of increased decentralization of power, combined with and geographical redistribution, or “district politics”. Both have been accommodated within the Nordic model of parliamentary corporatism. Locally based entrepreneurial activities gain financial support from municipal, county and state level. Those funds emerge from common pools at each of those levels, which, in turn emerge from taxes at municipal and state level, as well as from the state-owned petroleum industry. Thus, value is first extracted from the territory, and then some of the value is redistributed to some of the provinces around the territory. This is a traditional pattern of redistribution under parliamentary corporatism, though regional investment companies represent a more recent means of doing this. In sum, the local fish receiving facility in Deanuvuotna, is 35% owned by the institutions of the *corporatist redistributive state*, and 65% owned by the institutions of the *agrarian*

⁹⁸⁹ Web page of *Indre Finnmark investeringselskap AS*: <http://www.ifu.no/> last retrieved 5. May 2014.

⁹⁹⁰ Pedersen and Høgmo 2012; for info on Sámi Development Found, see wikipedia (in Norwegian) http://no.wikipedia.org/wiki/Samisk_Utviklingsfond last retrieved 5. May 2014.

cooperative movement. The distribution of stock ownership between local fishers and regional development institutions expresses a specific political culture. The mix between corporatism and cooperatives is typical for Norway, Finland and Sápmi. However, the economic practice of gathering and redistributing resources might be a globally universal. The economic anthropologist Marshall Sahlins has explained “redistribution” as a “system of reciprocities”, where many small actors give a small contribution to a common pool, before resources from the pool are transferred back to each actor.⁹⁹¹ Thus we deal with a specific network structure in a reciprocity system. For Sahlins, each relationship of reciprocity in this net may take the form of a “balanced reciprocity”, which would be close to the normative ideal of the cooperative business model. Alternatively, each relation may rather take the form that he calls “negative reciprocity”, which is economic exploitation or pure theft. The former alternative corresponds with Ostrom's “new theory” of covenants based on consent and mutual gain, while the latter corresponds with what she calls the “old theory”, of covenants by the sword. Cooperative redistribution is of the first type; tribal redistribution may be of either type; feudal redistribution certainly includes the sword; as does corporatist redistribution. When some social classes enjoy historical privileges, redistribution may imply stealing from the rich in order to give to the poor. However, corporatism may also be based on theft from the poor (such as the fishing rights of the Coastal Sámi), or from the global natural heritage of humankind (such as oil and gas fields in the Arctic Ocean). The corporatist state takes with one hand, gives with the other, and the end result may vary.

Before the quay and the fish receiving facility were built, there was a period when the fishermen had to go to the neighbouring fjord in order to deliver their catch. That would take the whole day, and thus they couldn't live with that. The new fish receiving facility has a use value that is socio-economically very important to maintain vital communities in the Deatnu fjord – even though the facility seen in isolation is not very profitable. Thus, there is a difference between the lack of profit on the one hand, and “materialistic value” (use value, utility) on the other. (Reidar used the expression materialistic value.) (Travel memory, 23.08.2013)

Therefore, the fish receiving facility contributes to combating the economic downturn. Proponents of corporate capitalism use the term “growth machine” to legitimate large capital concentration. In this case, however, a *small* capital concentration, based on *local* and *public* resources, has generated growth for a local community. According to my interviews, the fish receiving facility has facilitated sustained activity in small-scale fisheries all over the Deatnu Fjord. The former Minister of Fisheries probably was of the same opinion when she celebrated it by serving cake.

⁹⁹¹ Sahlins 1972



Figure 11-9: The dock (foreground), with the quay and the fish receiving facility (background), June 2012

Ecological economy: Local fishermen tell me that not all fishermen own equal shares in the fish receiving facility. Those who took part in the attempt to start cod farming still own somewhat more. Those who own more shares are those who took the risk of testing whether cod farming could work or not. However, the emphasis of the economic activity has changed, with the changes in the natural stocks of various species. At present time, red king crab is the main source of income. The crabs are processed by another locally based firm, *Bugøynes kongekrabbe* based in Sør-Varanger. The journalists who used the minister's chocolate cake to illustrate the importance of the facility, also interviewed the crab processing factory:

"[T]he Crab King [...] has great belief that they will manage to get the wheels running in spite of the financial crisis. – If this receiving facility had invested in cod only, then it would never have been opened. The benefit of having such facilities in small places is that you always have something that subsidizes that which has a bad market access, says Øyvind Seipajævri from Bugøynes Kongekrabbe."⁹⁹²

For fjord fishers, it can be difficult to foresee what investment will give profit, because their local economy is highly integrated with the local ecology. Sometimes there are good conditions for one

⁹⁹² Myreng & Arvola 2009

species; sometimes there are better conditions for another. Naturally, there are fluctuations in the web of nutrition between different species. As the so-called “Crab King” emphasizes in the interview, the small-scale fishermen are highly adaptable. Traditionally, every household in the area combines various livelihood strategies. The small-scale community has to be sensitive to ecological diversity, and thus, its economy is diverse too. Reidar tells me that his advice to young fishermen is to save money in the bank to provide security for bad years. When I asked if it isn’t better to invest in facilities, he explains that it is necessary to save some money because you never know for sure what will turn out to give income. Reidar wore a jacket with the logo of *Bugøynes Kongekrabbe* on the back during the midsummer celebration. This company is a collaborator but also a potential competitor. The local people in the Deatnu Fjord would prefer to establish a local processing facility in their own fjord, in order to gain more from the value chain. Reidar is a proponent of “vital local communities” (*levende bygder*), and used to be a member of the agrarian Centre Party. Their policy is that small-scale primary businesses, rather than state or market, represent better shepherds for natural resources.

Social entrepreneurship: When visiting the fish receiving facility, one may easily observe that it is a social meeting place for the local people, a “community forum”. When one takes part in the work there, and learns about how this work is organized, then one learns that it is also a “local growth machine”. Those are indicators that the fish receiving facility serves a key function for the sustainability of the local community, especially economically, but also socially. Deanudat is a local community struggling to maintain itself, its small-scale economy, its diverse livelihood adaptations, and its bio-cultural diversity. The same is the case for the Deatnu Fjord as a whole. The same is also the case for all such fjords along the southern coast of the Barents Sea. The scramble for local fish receiving facilities is a struggle for the sustainability of small-scale fjord fishery communities. The fish receiving facility in Deanudat is the outcome of *entrepreneurial spirit*, channeled through economic activities and political representation.

Local people pooled their small savings, and invested them for the common good. At the same time, they utilized the political and economic opportunity structure to mobilize resources. Those came from various levels of “innovation clusters” and “policy networks” – contemporary configurations of political-economic potency. Such action could be called “social entrepreneurship”. *Capital is capacity*, in a rather literal sense. Therefore, such small-scale entrepreneurship is *capacity building*. This entails self-empowerment and fighting poverty. Above, I have argued that the local fish receiving facility, according to the ownership of stocks, is 65% *cooperative* private initiative and 35% *corporatist* state planning. The 65% cooperative business is worker-controlled capital. Capital is power. *Cooperative* business is *labor power*. However, the 35% *corporatist* business is politically controlled capital. *Corporatist* business is *party power*. The relationship between those

two forms of power may be ambiguous. The political culture of Norway, Finland and Sápmi includes both cooperative and corporatist tendencies. However, this does not mean that those two tendencies are always in resonance. It might be equally correct to see the two tendencies as being in a constant tension, producing various institutional arrangements. The tension between corporatist and cooperative traditions is one source of dynamics. It plays into the general changes in the capitalist system. The local fish receiving facility in Deanduvuotna is funded according to a complex stock company model, which may be seen as a *neoliberal* adaptation of the older cooperative and corporatist traditions. The neoliberal capitalism *may* be seen as a loss of opportunity for redistribution policies with social aims, when compared to the older state capitalism. However, this *may also* be seen differently. Local social entrepreneurs in the Deatnu watershed mobilize resources from a complex set of institutions, including *trans-boundary regional development programs*, such as the Barents Secretariat and EU Interreg North. As I discussed at the end of the Geographical Bridge (Chapter 8): new opportunities have opened up for regional development across state boundaries, while old opportunities have disappeared for state-directed command and control tactics. The new situation is certainly less nationalistically biased than the old. Still, one may also wonder whether the gain in trans-boundary economic democratization is capable to outweigh the loss in national democratization. The subaltern classes in Sápmi, such as the Coastal Sámi suffered a great deal under the so-called “golden age” of social democracy. In the neoliberal age, their desire for collective human rights has at least become publicly known. Again (as in Chapter 2), my assessment is that it is more misleading to be nostalgic about a presumed golden age in the past (as Olav Gunnar Ballo certainly is) than to hope for a potential golden age in the future (as Helga Pedersen seems to do). In areas where Sápmi and Norway overlap, the interest organizations for small-scale fisheries have always remained loyal to the Norwegian Labor Party. They might have had less to gain from the Social Democrats when the latter made compromises with *liberal nationalism*, than what they now can gain from Social Democrats making compromises with *global neoliberalism*. For fisher-peasants in Coastal Sápmi, there was never any alternative to collaboration with the colonial state, but nevertheless, the opportunities for social entrepreneurship have become less limited now than what they were before.

Now I have concluded the discussion about the economic salmon at the fish receiving facility. Still, I will not abruptly proceed to the scientific salmon and the local involvement of fishery biology. Instead I will provide an anecdote that illustrates the *seamless relationship* between social entrepreneurship within regional innovation clusters, and social entrepreneurship within transnational epistemic communities. One day, before going out with Reidar to the sea, I checked my e-mail in the pause room in the fish receiving facility. I had received an answer from a contact at the Norwegian Business School (BI). She is an expert on *social entrepreneurship*. I had written

some enthusiastic lines about the fish receiving facility, and she showed an interest in knowing more about the case. I showed it to Reidar. The fisherman's poker face was, as always, difficult for the ethnographer to interpret. Local fishers guard their traditional knowledge, concerning where they find fish, for example. Knowledge is a precious economic asset for fisher-peasants. Traditional knowledge has continuously adapted to the environment. Experience about where to find fish may be combined with salmon zoology, fishery economy, or artful practices of collaborating with ethnographers. When I had drafted this text, and my colleague Gro Ween read through it, she told me how local fishers had sought her and other ethnographers too. We fish for information to further entrepreneurship within the field of knowledge-production. They fish for relevant research to further entrepreneurship within the field of fjord fisheries. We and they get caught in each others' respective nets. The ethnographers come from the capital city, but we visit the fishermen in their homely waters, where they are the experts on navigation. Clever social entrepreneurs in Deanuvuotna mobilize resources from the neoliberal financial economy, and from the neoliberal knowledge economy as well. This brings us over to the next topic: bio-scientific reporting. Let us follow the local fisherman into the storage at the fish receiving facility, and further into the room where biological sampling takes place.

11.3.4 Biological reporting – the scientific salmon

When we follow the salmon flesh further, from the quay, into the fish receiving facility, the flesh becomes enriched with more social functions. It still is an economic asset, which has to be handled with care. However, additionally, it also becomes an object of bio-scientific observation. Fjord fishers collaborate with fishery biologists. Thus, the biologist acquires data, empowering her to conduct systematic analysis, while the fisher gets neat graphs, empowering him to know better what fishes to catch this season, and which one to save for next year. Following the flesh of the salmon into the local laboratory of bio-scientific reporting, we also enter the politics of knowledge.

The box with small diddi salmon was brought into the fish receiving facility. The youngman was now allowed to enter directly into the production room. As a clean, white cube, this locality functioned well to expose the processing of fish. Reidar arrived with some tools and took over the Salmon again. The youngman rigged his camera for observation. [Travel memory, 27.08.2012]



Figure 11-10: Photos as ethnographical samples from biological sampling practice, June 2012.

Left: Taking measures and scale samples. Right: Writing numbers on the envelopes for scale samples.

With rapid movements, the fisherman sliced each fish open with a knife. He turned the knife around, and on the other end was a spoon that he used to get out all the intestines. The intestines dropped to the floor, and were flushed by running water into a hole in the floor. The weight and length of the fish were measured, using specific tools. The fisherman put his glasses on, observed the numbers, and wrote them down on a small, brown envelope. Then he slid the knife gently along the surface of the fish. Under the fine layer of mucus, a few scales loosened from the fish body. Those were removed, and put into the envelope. The same procedure was done for each individual salmon. Only after this detailed registration, were the fish further transported through a curtain of hanging bands of thick plastic, into the cold storage. There, the dead fish were laid to rest on crushed ice in white boxes. [Travel memory, 27.08.2012]

Laboratory Life: Scale sampling is a form of systematic observation. It is an act of natural science observing nature. Photographing the scale sampling is a way of observing the observation. It is an act of human science observing natural science. My photographic praxis referred to Reidar's scale sampling praxis. It was one form of knowledge praxis regarding another form of knowledge praxis. As such, my photos of Reidar's scale samples are an instance of "science and technology studies" (STS). By pursuing such an approach in Deanuvuotna, I followed a path trodden by Gro Ween through her earlier fieldwork in the same environment. She had observed the complex relationships between traditional knowledge among Sámi fishers, and scientific knowledge among salmon biologists.⁹⁹³ Thus, she had been a broker between two networks of researchers, those who document traditional knowledge in Sámi areas,⁹⁹⁴ and those who pursue the politics of knowledge in the Norwegian state.⁹⁹⁵ However, I chose another instrument of observation. The camera became

⁹⁹³ Ween 2012a

⁹⁹⁴ Joks 2009; Solbakk, J.T. 2007

⁹⁹⁵ Asdal 2001; Law & Lien 2013; Lien & Law 2011

a natural choice because I had worked with visual studies and participatory art. The “white cube” of the art gallery, the showcases with specimen in the natural history museum, and the systematic registration at the laboratory are all various ways *to stage observation* in a systematic manner. ANT researchers select data of relevance to both aesthetic and epistemological theory.⁹⁹⁶

My photos are index, sample, specimen, from his reporting practice, which also is index, sample, and specimen. [...] The practice was performed in the facility's white cube, with walls at three sides, my insight from the fourth side, as a [when] professor of medicine demonstrates his arts in an anatomical theatre. [Travel memory, 27.08.2012]

The scientific salmon: Precise observations are gathered by fishers in their local field laboratories at local fish receiving facilities. However, data gathering is only the first stage in the logistical chain of scientific inquiry. Lots of particular observations are being gathered, then analysed and interpreted, and the output feeds back into practical policy in the fishery management system. While I made photographs of Reidar's scale sampling practice, I also talked with local fishers and local biologists to learn about the further circulation of the information from the scale samples. In the field notes, I used terms I had learned from other ANT research.

His report is being sent, with samples from other fishermen, to a “centre of calculation”, where the information becomes “translated” into a quasi-statistical analysis (quasi- because the scale samples have not been gathered through [probabilistic] sampling [procedures]). [Travel memory, 27.08.2012]

My own sampling is being brought, together with other data from my travel, to the temporary “centre of calculation” which is my PhD research. The Photos are being “translated” into qualitative interpretation. Here, the observation's unique, environmentally specific, character is quite as important as its representativity. [Travel memory, 27.08.2012]

The phrase “centre of calculation” has been borrowed from Bruno Latour.⁹⁹⁷ Such centres are material locations and social institutions. They are not identical with the places and practices whereby information is being found. A centre of calculation is a place and practice, into which information is being fed, to be accumulated, analysed and synthesised. According to Latour, such centres of calculation have a key function for the stabilization or standardization of any body of knowledge.⁹⁹⁸ Centres of calculation are socio-material entities, which are somehow organized. Thus they have some kind of political economy. The *organizational context* of scientific practices is politically charged, even though the scientific practice itself may be unbiased. Research methods may or may not be objective, but *research priorities* can hardly be apolitical. *Political science*

⁹⁹⁶ Latour & Woolgar (1979); see also Brenna 2012 and Brenna 2013 (thanks to Gro Ween for the latter two references)

⁹⁹⁷ Latour 1987, cited in Jöns 2011

⁹⁹⁸ Latour 2004: 178, 181, 221-232

acquires funds and justification on the basis of its ability to serve political practice. *Salmon biology* acquires funds and justification on the basis of its ability to serve natural resources management. The political *context* of science, not its content, is what feminist critiques and ANT scholars refer to when they use the term “*positionality*”.⁹⁹⁹ (This should not be misunderstood as a denial of what the hard sciences call reality; it is exactly because science may say something about reality that it empowers practical interests.) The ANT researcher maintains a “myopic” focus by zooming in on observations with a high degree of specificity, on the cost of generality. However, by maintaining focus on the particular, she may gain particular samples of positionality, she “stays with the trouble” as Law & Singleton say.¹⁰⁰⁰

The unique is the fisherman’s pedagogical performance or staging of his own practice. [...] The photos are index of a particular situation located in time and space, where particular human bodies work together on a joint task. However, concerning representativity, the photos may also be seen as illustrations of such practices in other places within the Deatnu Fjord socio-ecosystem. As such, the photos may nowise be interpreted as any statistical sample, but as an illustrative performance of normative practice. It is an enactment of an ideal practice, an enactment of an ideal paradigm. The norm comes from the authorities, and has a contentious status within local customs. [Travel memory, 27.08.2012]

Through my ethnographic observation of fishers in the Deatnu Water Area, my impression is that many of them have a rather good understanding of scientific method. For example, I met many fishers who understand the rules of statistical sampling better than many qualitative social scientists do. Nevertheless, they tend to be rather *critical* participants in the research system that they are feeding into. For example, there are many who would like to see more research on how much salmon is being caught by predator animals such as seals or ducks.¹⁰⁰¹ Others suggest that the largest portion of the human catch may be from larger vessels with mobile gear, along the coast or in the open sea.¹⁰⁰² I have never seen any attempt to gain any indicators about such catches, while all traditional fishers and sports anglers are obliged to report each individual they catch.

The scale samples represent bits of information with a potential use value. It is not the reliability of the particular scale sampling that is contested. What is contested is the reliability of the analytical procedures, in part also the external [conceptual] validity of the analytical concepts, and definitely the political economy of the scientific practice (use value and control). [Travel memory, 27.08.2012]

When it comes to the *statistical reliability* of the analytical procedures, representativity is a

⁹⁹⁹ See for example Haraway 1991; Stengers 1999 (1997); and Smith 1999

¹⁰⁰⁰ Law & Singleton 2012

¹⁰⁰¹ Ween 2012a

¹⁰⁰² Interview with Tapiola, Aslak, interpreted by Katja Tapiola, Utsjoki, 6th February 2011

problem. The size of the actual fish stock is estimated on the basis of measures of the annual catch, and the measure of the annual catch is calculated on the basis of catch reports from all the fishermen. In theory, every fisherman is supposed to report on every fish he catches. However, in practice, all fishermen know that most fishermen tend to deliver exaggerations or understatements according to the situation. Catch statistics are like crime statistics. You can be almost certain that some of what you try to measure is being kept secret, but you have no basis whatsoever to estimate the difference between the estimated score and the real score. Local fishermen contest the reliability of catch statistics as an index of the actual size of the salmon stock, and their argument is supported by the generally accepted procedures for statistics. However, the catch statistics have become supplemented by other, more reliable observation methods. The critique from traditional fishers did not have much say in this development. However, the Finnish Ministry of Forestry was also critical of the widespread use of catch statistics in the Norwegian Ministry of the Environment.¹⁰⁰³ Registration with underwater cameras, echo sounding and ultrasound has made it possible for the biologists to *see* the salmon population, which usually hides below the silver surface of the water. Another contribution to increased reliability is DNA samples in the form of *scale samples*. My impression is that local fishers are generally happy to take part in such reporting; perhaps because it contributes to overcoming some of biases that were implicit in the (mis)use of catch statistics as the sole indicator of the size of the fish stock.

When it comes to *conceptual validity*, some terms may be more relevant to some policy interests. I have never heard any local fishers contest the terminology of zoology or ecology. They may sometimes use complimentary terms from local traditional knowledge. In any case, however, the policy interest is in a sustainable fish stock as a basis for sustainable fisheries, and sustainable indigenous culture. However, practical fishery research is interdisciplinary, and even though the biological terms are uncontroversial, these are often combined with social science terms that are fundamentally contested. In particular, this regards how the experts at the Ministry of the Environment have chosen to operationalise the issue of socio-economic benefit. They may be experts in biology, and even in monetary economy. What they lack is knowledge about the practical realities of subsistence and reciprocity economy, the issues of interest for substantivist (such as Marianne Lien) and neo-institutionalist economists (such as Elinor Ostrom). It may be easy to compare the monetary differences between income from selling angler licenses, and income from selling one's own catch. The income (measured in money) per unit of salmon flesh (measured in biomass) is considerably larger if the local communities rely on tourism, rather than on traditional fisheries. The *monetary economy* is relatively easy to measure, but unfortunately, this is only one

¹⁰⁰³ Ween in prep.

component of the *real economy* in the Deatnu Water Area. It is hard to measure the use value of subsistence practices, or exchange values in a gift economy. It is impossible to measure the value of subsistence and reciprocity practices that maintain the social fabric of the Sámi culture. The cultural value of subsistence economy is invaluable. (To this issue we will return after we have left the scale sample reporting, and will follow the flesh further to the kitchen table.) The bio-scientific authorities have chosen a monetarist operationalisation of economic benefit. It is simpler to measure, but it is politically biased towards the specific interests of sports anglers (and industrial fisheries). Such an operationalisation of economic benefit *exposes* the economic benefit of tourism (and of industrial fisheries), which is part of the market economy, but *conceals* the benefit of subsistence and reciprocity economy.

With regard to the *political-economic context* of the scientific practice, many local fishermen complain that the information they give is being used against them. In that regard, it is interesting that certain scientific institutions refrain from publicly discussing statistical reliability or conceptual validity. It might be the case that they do not discuss their own monitoring routines because they have the political power not to do so. For the fishermen in the Deatnu fjord, the main centres of calculation are found within a complex policy network for state-led natural resources management. It includes the NINA research institute, the Norwegian Directorate of Nature Management, and the Norwegian Ministry of the Environment. It also includes the RKTL research station on the Finnish side of the Deatnu River, and the Finnish Ministry of Agriculture and Forestry. The policy net further includes the international networks of salmon biologists (a so-called “epistemic community”), loosely affiliated with the NASCO Treaty. There is much internal deliberation within this policy net. The Norwegian and Finnish state ministries have pushed for perceived “national interests” in the management of shared salmon resources. This has opened opportunities for scientific deliberations among biologists, which is one reason why the RKTL developed more reliable (or less unreliable) monitoring techniques.¹⁰⁰⁴ Within this policy network, the scientific deliberation among biologists is strongly influenced by bureaucrats. This imposes a certain bias, without the biologists being capable to maintain any scientific autonomy, and without the subaltern fishery organizations being capable of counter-balancing the biases of perceived “national interests” in the two states. Deliberation over scientific truth might be settled by political forces in the absence of empirical proof and rational argument. Therefore, it is understandable when some sea salmon fishers say that “[p]eople are angry. They feel they have been run over and punished by researchers who use numbers and graphs with no rooting in the actualities.”¹⁰⁰⁵ Science is indeed open for discussion, because it is an open-ended endeavour. When the biologists are impotent to defend their

¹⁰⁰⁴ Ween in prep.

¹⁰⁰⁵ Johansen 2011

autonomy against state interests, and when the state interests suppress the subaltern interests that could have counterbalanced them, then, indeed, the local population has been “run over”, as one of the subalterns himself voiced it.

Transnational epistemic communities: Here I have traced some of the ties in the political economy of salmon biology in Deatnu River. I have traced some organizational ties of research funding and research demands from the institutionalized policy network. However, I have also mentioned the biological experts themselves, between the rock of hard science and the hard place of state interests. An expert profession can be referred to as an “epistemic community”, defined as “a network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy relevant knowledge within that domain or issue-area”¹⁰⁰⁶ Such epistemic communities are *transnational* networks, and may have plural nodes of power. Those who deliberate about the size of the salmon stock in Deatnu River may refer to the RKTL field research station, they may refer to the NINA research institute, or they may refer to the Institute of Marine Research. These nodes of epistemic power are not autonomous from political-economic power, but still, there is some degree of pluralism, because they are dependent upon diverse nodes of political-economic power. The first is affiliated to the Finnish Ministry of Forestry, and to the Finnish Angler’s Association, which has a popular basis all over the nation. The second is affiliated to the Norwegian Ministry of the Environment, which is socially entangled with environemtalist NGOs dominated by the urban bourgeoisie. The third is under the Norwegian Ministry of Fishery, and serves the national salmon farming industry. None of these research centres have any affiliation with small-scale fisheries in Coastal Sápmi. However, local fishers keep themselves updated bout the research centres, for example by reading the newspaper *Fiskarbladet Fiskaren*, or by gossiping with local biologists. Thus, the fishers pick up arguments from the various research centres, and change alliances tactically. The public deliberation about bio-scientific issues can sometimes be rather contentious. The mentioned competition between Norwegian and Finnish state interests fuelled deliberation between research centres on both sides, leading to more reliable methods for everyone. I also had the pleasure to join Gro Ween, Marianne Lien and their ANT research group when they organized a dialogue meeting between competing experts affiliated with fish farming industry on one side, and sports anglers and conservationists on the other.¹⁰⁰⁷ As far as I could observe, they had a dialogue on equal terms. Both of these tribes within the epistemic community are resourceful, and since both are empowered, they are capable of having a real dialogue. The

¹⁰⁰⁶ Haas, E. 1992: 3 (cited in Wikipedia: “Epistemic community”)

¹⁰⁰⁷ The dialogue meeting was called *Kan vi leve sammen?* (Can we Live Together?), and was held at the House of Literature (*Litteraturhuset*) in Oslo, 28. March 2012.
<http://www.sv.uio.no/sai/forskning/prosjekter/newcomers/arrangementer/2012/seminar-kan-vi-leve-sammen.html>
last retrieved 5. May 2014

conservationists and sports anglers are close to the international North Atlantic Salmon Treaty Organization, NASCO. The salmon farmers are influential because they contribute considerably to GDP. In the context of the Norwegian state, neither of those groups runs the risk of challenging the more dominant trawler capitalists. They debate whether or not it poses an ecological risk that artificial selection intervenes into the natural selection, in the evolution of Atlantic salmon. Bio-scientific deliberation is fuelled by competing economic interests, and both interests appear to be rather well organized. However, I think it would have been impossible to have any true dialogue if there had been considerable asymmetries of power between the participants. Therefore, I think it was good not to include any representatives of the traditional knowledge amongst fjord fishers in Coastal Sápmi. The UN Biodiversity Convention does in fact state that the traditional knowledge is an asset for ecological sustainability. This is the basis for the nature conservation policy of the Norwegian Sámi Parliament,¹⁰⁰⁸ and, on paper, this principle has been incorporated into the new Norwegian Biodiversity Act as well.¹⁰⁰⁹ Still, in the practical management of salmon in Deatnu Water Area, the Norwegian Ministry of the Environment has the capacity to choose another interpretation of whatever “knowledge based management” might mean. That ministry only recognizes experts that have been appointed by itself, or by its counterpart at the Finnish side. This is exactly the same *modus operandi* as the Ministry of Industry chose during the Alta-dam conflict. At that time, salmon biology and nature conservationists were in the oppositional, constituent issue net. Now they are in the hegemonic, constituted policy net. Within their newly-gained position, they seem to replicate the same mode of domination as was formerly used against them, by their former adversary. In this situation, the organizations for Coastal Sámi fjord fisheries and traditional knowledge have done exactly what the various Sámi rights organizations did during the aftermath of the Alta-dam conflict: they have bypassed the state, expanded their alliances on the transnational stage, and have build up their own capacity. They have started an effort to develop a new off-shoot from the transnational epistemic community, one that builds up expertise on *indigenous fishery sciences*. The effort started with a seminar funded by the German, Canadian and Norwegian governments. Political entrepreneurs from North American First Nations congregated with comrades from areas where Sápmi and Norway overlap, more specifically, from downstream Deatnu. Here were the syndicalist Bjarne Johansen, the politician Marianne Balto, and the historian Steinar Pedersen.¹⁰¹⁰ This is *social entrepreneurship* within the transnational epistemic community of fishery sciences. In more politicized terms, we may call it non-violent direct action aimed at prefiguring another control over the means of knowledge-production. When it seems impossible to

¹⁰⁰⁸ Sámediggi Norway 2005 (thanks to Gro Ween for sharing the document)

¹⁰⁰⁹ The Norwegian Biodiversity Act: Norwegian Parliament 2009

¹⁰¹⁰ The seminar “salmon voices”, in Munich, 7-8 Oct. 2011 <http://site.uit.no/salmonvoices/> last retrieved 5. May 2014.

defend the scientific autonomy of salmon biology, one might at least try to counterbalance the biased research priorities that are imposed by state interests. If we see this in a historical context, it is relevant that the nature conservationists and the indigenous rights activists were allied during the Alta-dam conflict (Chapters 6 and 7), while they became split during the process of gradual accommodation and co-optation in the aftermath of that conflict (Chapter 8). At that time, North Atlantic integration *from above* had already been constituted, via the Marshall Aid program and the NATO alliance. This facilitated but also provoked a counter-movement of North Atlantic integration *from below*, in the form of new social movements and emerging epistemic communities.

Movements for and experts on environmental protection upscaled their constituent power, and treaties such as NASCO emerged. That was positive for the purposes of sustainable management of the shared natural heritage. Such a gain is also necessary, but not sufficient, for the sustainable management of shared cultural heritage. The potential epistemic community for indigenous fishery science, if it succeeds, can constitute a further positive contribution to the sustainable management of both natural and cultural heritage.

Social entrepreneurship is constituent power. Social entrepreneurship within transnational epistemic communities has already had an impact on the constituted order, for example via NASCO. Further progress in the same direction may be the result if the emerging network for indigenous fishery science succeeds in broadening its scope of action and builds capacity for constituent power. Social entrepreneurship in the *epistemic* field is coordinated and interwoven with similar efforts in the *economic* field. Some local fishers are good at utilizing the limited opportunities that are offered by the regional innovation cluster. Other local fishers are good at utilizing the limited opportunities that exist within the transnational epistemic communities. The mobilization of resources and framings on one front may serve the mobilization of resources and framings on another front. My own research is one of the many particular assets that are mobilized. There is a seamless connection between the entrepreneurial efforts in the economic, epistemic and political spheres. In the local social-ecological context, these represent some additional livelihood adaptations for flexible fisher-peasant households in vulnerable communities. The natural basis for Sámi culture involves subsistence practices, longstanding customs and traditional knowledge, and those practices may or may not mix with regional innovation clusters, multi-level constitutional processes, and transnational epistemic communities. Fisher-peasants in Coastal Sápmi may hunt in the morning, fish in the afternoon, rear sheep in the evening – and engage in social and political entrepreneurship after dinner. Let us now follow the flesh of the salmon directly to the dinner table.



Figure 11-11: *At the dinner table: sharing wild salmon*

11.3.5 Using the salmon flesh – salmon as a “total object”

When we follow the flesh of the salmon from the fish receiving facility, we could choose various paths. Some individual salmon are being sold on the capitalist market; others are fed into the local subsistence and reciprocity economy. Thus, one possible path passes through the capitalist market, where flesh is sold for money. However, as with most raw material products, sea salmon flesh provides scarce income when it is being distributed directly as a market commodity. Another path is to follow it through the local subsistence and reciprocity economy. By observing the further processing and preparation of the salmon flesh, I will discuss how local social entrepreneurs try to make business out of further processing of the raw material at home, and then selling the final gourmet food. Even more importantly, by observing how the salmon meal is shared around the kitchen table, I will also discuss how it functions as a significant of social integration.

When the salmon flesh leaves the fish receiving facility, in order to be circulated in the household economy, it gains a complex social function that combines nutrition, barter, communication, emotions, and spirituality: it becomes what the anthropologists call a “total social object”. As such, salmon flesh is one of several key assets in the traditional Sámi community, and

these are traditionally being used in ways that maintain and develop the very fabric of society. I will now leave the discussion about various paths of social entrepreneurship, and instead turn to the discussion about how the Sámi society is continuously maintained and developed: the *siida* system that never fully disappeared.

Was the fisherman satisfied with his catch this day? For the ethnographer, it was hard to read the fisherman's poker face. Five small salmon and a trout had been entangled in his gillnets over night. On the photo they lay bleeding on the boat deck. Their throats had been cut immediately to preserve the quality of the meat, and also to minimize their suffering.

High quality products: Such small salmon are called *diddi* in Northern Sámi. The word for “salmon proper”, *luossa*, is used only for larger specimen. The *diddi* has less prestige as a commodity. Thus, it is less valuable in terms of monetary economy. However, the value of the *diddi* is different in terms of a wider understanding of economy.

In terms of *ecology*, a *diddi* is not the most valuable individual for the reproduction of the regional salmon stock. The very large female salmon specimens are the most valuable ones, because they bear the largest quantities of roe. These are relatively old individuals, who have survived four or more winters in the deep ocean. The *diddi* is younger, and has survived one or two winters in the ocean. Thus, the population of young individuals is much larger, and most of them will never grow old anyway. Thus, for an *ecological economy*, one might be less restrictive when catching *diddi*, when compared to taxation on the few large individuals. Still, a large salmon is often considered more prestigious as catch and as commodity. One reason is that a bigger individual gives more meat. Another reason might be that for sports anglers, it is a great feat to defeat a large salmon with fly-fishing gear. Sports anglers in the Alta River are adopting “catch and release” practices. They “play with the food”, the traditional subsistence fishermen in the Deatnu area say. It is a contentious question whether “catch and release” is unharmed for the salmon or not. Nevertheless, from an ecological point of view, it is relatively less harmful to catch a *diddi* than a big salmon.

In terms of *subsistence*, it is interesting that some local people claim that the meat of a *diddi* tastes better than that of a large salmon. Thus, even though it gives less meat, it gives better meat. A *diddi* is quality over quantity. Wild salmon is in any case a product for the *gourmet*, not for the *gourmand*, because farmed salmon has become everyman's nutrition. Farmed salmon and wild salmon confer different types of meat. Farmed salmon meat is stronger on quantity, and therefore more affordable. Wild salmon meat is stronger on quality, and therefore a niche product. Regarding the quality of the meat, the *diddi* is at least as good as the large salmon, and some would say it is better.

In terms of distribution, salmon fisherman in the Deatnu fjord may have other alternatives than to sell the raw fish meat at a price per kilogram. Firstly, fish meat is traditionally distributed as

a gift amongst friends and family. Then it does not become a market commodity, but it still is an asset for the exchange of goods and services. Secondly, when local fishermen want to sell the salmon on the market, it would be more profitable to sell finished gourmet products, and not raw fish meat.

Neither of those options is taken into consideration by the calculations made by the Directorate of Nature Management. Their socio-economic analysis is limited to measuring the potential income from selling salmon meat, compared to the potential income from selling fish licenses to sports anglers. That operationalisation of socio-economic benefit is biased. Monetary economic terms do apply to sports anglers, who are consumers of services in a market. However, those terms do not apply to local fishermen, because purely monetary terms overlook the elements of subsistence economy, distribution through reciprocities, and small business entrepreneurship.

Reciprocities: The fisherman Reidar invited me to pitch my tent by the quay. The facility had a bathroom and Internet access, and I knew that this was the meeting place for the local people. However, I had chosen to ask for permission to put my tent on the ground of Terje's farm, the family home of the famous politician Helga Pedersen. After my fieldwork in Lebanon's clan-based political landscape, I calculated that, in order to gain access to the local community, I should obtain clearance from persons who are close to the political leaders. The farmer invited me to eat at his table. He served salmon preserved with salt and sugar. The taste had some resemblances with the mass-produced preserved salmon sold at the supermarket, but the fish taste was more intense. I was surprised to experience that wild salmon, when compared to tame salmon, tastes significantly more of salmon. We had much to talk about. Terje had served as a UN soldier in Gaza during his youth. The day before, the farmer-wife Hjørdis had received the ethnographer, who came wandering from the other side of the mountain. She had allowed me to pitch my tent in their flowery meadow, close to a small stream. After the couple and the ethnographer had gotten to know each other better, I crossed the stream. I went to find Jan Larsen, cousin of Reidar, and active in Bivdi, an interest organization for Coastal Sámi fjord fisheries.

I remember that when I arrived at his yard, I remembered that I had been there the year before. The last time I had been there, he was not at home. But this time he was. The yard looked a mess to my eyes. It was like what architect Joar Nango later thought me to appreciate as "the Nordic garden". I was welcomed into the house by a man who was economic with his smiles. But he offered me coffee. The salon had a large sofa with a view towards a huge TV, but also out through the windows, towards the gate of his small farm, and the road. There were case papers floating upon the bookshelf. The kitchen I had passed through was a workshop as much as a place for cooking. Motor parts and lubricate oil rested on a table of respatex [high pressure laminate from the 1960s]. We sat down with our coffee to talk. Jan wanted to hear about my research, and I got to

hear about his organizational work. During our conversation, he also called his good contacts Steinar Pedersen and Jan Nilsen. Thus, I could also exchange some words with them via the telephone, while Steinar also inquired about my work from an academic point of view. [...] I remember that I stayed with Jan Larsen the whole day and evening. However, I made few notes from what we talked about. [Travel memory, 24.8.2012]

During the conversation, I tried to show my interest in the organizational work in Bivdi, and I tried to present my own research in ways that I thought might appear useful for them. Jan Larsen was generous with his time. He explained the ecological conditions in the fjord, and shared information about the ongoing policy process. Later on, I will return to what he told me. What I now want to show is how the ethnographer gained information by getting involved in the reciprocity system.

Apparently, we were becoming better and better friends, and in the evening, when it had become time for food, Jan invited me to eat fresh salmon. In his car we went to the quay to get the raw material from the cool room. [...] Jan went to the cool room, and got a rather big salmon. [Travel memory, 27.8.2012]

My impression is that we reached a shared understanding, and that we both saw a potential practical relevance for my research. Therefore, I got the opportunity to eat high quality salmon as a guest at my informant's table.

The value of wild salmon: Now I got the opportunity to observe how wild salmon was processed. I had noticed that researchers documenting “traditional knowledge” had been more eager to preserve knowledge about fishing in the fjord, and less interested to document the preparation of food at home in the farm. This might be because social science is an institution with male gender bias, and in this area, it was mainly women who kept the in-farm traditional knowledge. Still, what I now gained access to was not traditional knowledge in the female farmhouse, but rather traditional knowledge in the bachelor's house. This is not untypical. It is well known that more women than men leave the local community. Jan had found a girlfriend in Nikel, a factory town on the Russian side of the border. She does not want to leave her good job as an administrative worker, while Jan is attached to the Coastal Sámi fjord fishery. Jan's house in Denudat is one of an increasing number of “bachelors' households” in the area.



Figure 11-12: Using the salmon flesh: salting and frying at Jan's kitchen, June 2014

Upper left: Filletting with skilful hands. Upper right: Slices from front and tail, a big chunk of the middle.

Bottom left: Slices from front and tail in the frying pan. Bottom right: The big chunk in sugar and salt.



Back on the small farm, the salmon was prepared in the traditional manner in the kitchen. I photographed the process, took simple notes, with a simple sketch (see sketch and photos). (1) The head and tail are cut off, and are used for boiling. (2) The big Sámi knife is used for filleting. The spine is stuck to one of the fillets. (3) The back fin is cut off, to be used for boiling. (4) The two large fillets are cut into smaller pieces. The tail part is cut off, at a width similar to the distance between the shortest and the longest cuts of the piece. Two pieces are also cut off from the fillet closer to the head. Those two pieces are narrower than the tail piece, because the fish is wider closer to the head. The two smaller pieces from the front, plus the smaller piece from the tail, are used for frying. The large piece that remains of the fillet is used for salting. [Travel memory, 27.8.2012]

Before frying our fish for the evening, Jan demonstrated how to preserve salmon by salting. After he had cut away the smaller parts that were to be fried, the largest parts of the two fillets remained. Those were put in a plastic tub. He threw some sugar and coarse salt over the pieces. The quantity was judged by eye measure. The salt began to melt. The fisherman told me that the salt would become brine over night, and that the next morning, he would turn the fish around in the brine. Thereafter, he would put it into the refrigerator for some days. Modern technology has

facilitated older preservation techniques. After having prepared the salting process, Jan turned back to the pieces that were to be fried. He added on some salt and pepper, did nothing with the skin, and threw the pieces in a warm pan with melted butter. “The skin is the best part of the whole fish“, he stated.

The fish was served with boiled potatoes, pickled beetroot, sour cream [rømme] and slices of bread [kneipp]. The fisherman himself also used lingonberry jam [tyttebærsyltetøy]. When I asked if this was according to the custom, I got an unclear answer that this was his personal custom or something like that. I pointed out that it was stylish to have the fish served at a table upon which were placed a motor part and lubrication oil. Apparently, the fisherman had not taken notice of that, and he surely had not arranged it for aesthetical reasons, though I found aesthetical qualities in the installation. [Travel memory, 27.8.2012]

For ethnographers, it is not new to meet people at home at their kitchen table. In 1984, the anthropologist Marianne Gullestad published *Kitchen Table Society*, a study of working class mothers in a suburb in Southern Norway.¹⁰¹¹ Now, I found myself in a situation that can be considered a masculine counterpart to the kind of fieldwork she conducted. This space had the mixed function of preparing food and repairing machines, both with precision and skill. The situation provided a valuable sample of the social organization of cooking and eating, praxes that are central to subsistence. The taste was excellent. Again I could observe that wild salmon *tastes more* than the farmed salmon. The fried skin was the tastiest part, as it contains lots of fish fat. Thus, it also contains Omega 3 and D-vitamins. I felt full in a comfortable way. This was direct observation of use value. However, this situation had also provided a valuable sample of exchange values.

Firstly, the situation conferred information of relevance for a description of gift economy. My own access to this food had been made possible because I had tried to demonstrate that my science would do no harm. A potential relation of reciprocity and collaboration was being cultivated. Through participant observation, my research was potentially becoming an asset in the local gift economy. Thus, I got a sample of how fish food may be distributed in a reciprocity network. Such exchange values may be hard to measure quantitatively. The fisherman shared the use value of his wild salmon. I had indicted the possibility to share the use value of my research. By sharing use values, we generated exchange value in the gift economy. Because wild salmon is good to eat, it is a powerful asset in the gift economy.

Secondly, the situation conferred information of relevance for the understanding of small-scale entrepreneurship for the commercial market. By following the preparation of salmon, I had

¹⁰¹¹ Gullestad 1984

also gained information about traditional knowledge with potential commercial value for the local community. Jan's cousin, Reidar, had told me of one of his ideas for small business entrepreneurship. He knows what the taste of wild salmon is worth, and he knows the worth of traditional knowledge about the preparation of food products from wild salmon. The challenge is to reach the gourmet markets, to mobilize the local workforce, and to raise funds to build a production plant. Reidar uses his experience as a social entrepreneur to mobilize resources to reach this end. He failed, together with Jan and others, when they tried to establish cod farming. Households in the region tend to adapt diverse livelihood strategies in order to survive in the unpredictable ecosystem of the sub-Arctic. Reidar, Jan and their neighbours succeeded in having the fish receiving facility built. That was a first and necessary step. Development in postcolonial regions most often depends on overcoming the economic dependency on one-sided raw material production, and to gain some shares from the further value chain. Because wild salmon is a raw material for gourmet products, making such products may be potentially empowering for the local economy in Deanodat.

Those exchange values are hard to measure in monetary terms. The gift economy is not monetary, and thus, the measures of exchange value are less standardized. Small-scale entrepreneurship is aimed at creating products for a commercial market, but it is hard to measure the potential market value of a product that is not yet on the market. Because of the absence of standardized measures of exchange value within gift economy and social entrepreneurship, both forms of exchange value might be impossible to study with any quantitative approach. Still, these are actual exchange values with actual significance for real people. When trying to make sense of my observations, I mobilized concepts from economic anthropology. This discipline was originally developed in order to interpret economic life in "traditional" societies, while economists measured the same in "modern" societies. Now, this distinction has become blurred. Researchers like Ellinor Ostrom and Keith Hart combine the two.¹⁰¹² Also, in the Deatnu fjord, traditional subsistence practices have included elements of market economy. For example, fjord salmon fishing gained a central position in local culture because it provided good income from around 1914 until the 1980s. Local historians tell me that, before the First World War, the Coastal Sámi around the Deatnu Fjord had done much trade with the Pomor people of the Kola Peninsula, in the fjords further east along the Barents Coast. This eastward-oriented trade system had been of importance until the First World War broke out.¹⁰¹³ As with other socio-ecological conjunctures, this forced the local people to prioritize differently in adapting their livelihoods to the environment. At that time, the most profitable opportunity had been to sell salmon meat through the southwestward-oriented trade system. This market provided good opportunities until the salmon farming industry succeeded in

¹⁰¹² Hann & Hart 2011: 88-93

¹⁰¹³ Norwegian Official Report 1984 (NOU 1984:18), chpt. 2.8 (thanks to Gro Ween for this reference)

mass production of cheap salmon. The “mass market” of the past has decreased drastically, and is now mere memory. The “gourmet market” of the future is only emerging, and is now mere potentiality. Today, some young people say that salmon fishing in the fjord has merely “cultural” significance. However, “culture” is more than mere folklore, it also includes the systems of reciprocity, and those constitute the social fabric itself.

Still we appeared to become better and better friends. Larsen offered me to stay at his small farm. He could prepare a room for me in a small house on the farm where nobody lives. I knew this was a good offer. [Travel memory, 27.8.2012]

However, I was too tired to grab that opportunity, and this was the last night before I had to leave Deanudat for other parts of the Deatnu water area. The next day Jan would give me a lift to the village. The following morning, I went up to the sheep barn to say farewell to Terje and Hjørdis.

They were busy repairing an old seed drill. The device could not be called the latest news in agricultural machinery. Terje offered me dry cod, and I got as much as I could carry. That was not so little, so it had to hang outside my backpack. Jan had dressed up in a short leather jacket, camo pants and slick hair. He looked tough, and made me think that maybe his woman in Nikel thinks he looks like Vladimir Putin. We drove across the mountain towards Čuollovuotna. [Travel memory, 27.8.2012]

When the ethnographer travelled further to Čuollovuotna, he was overloaded with gifts from Deanudat. With dry cod hanging all over his backpack, the smell was a clear signature from a generous fisher-peasant. The ethnographer had read his Marcel Mauss, and knew that two rules are almost universal for all human societies: the obligation to accept a gift, and the obligation to return it.¹⁰¹⁴ I would repeatedly be reminded of my moral debt to Terje, as the smell and taste of his dry cod would follow me through the rest of my travel.

The *theoretically* relevant observation is that the kinship- and *verdde* system is alive and vital, and that implies both a continuous maintenance of ancient Sámi customs, and also a continuous inclusion of ethnic and cultural “others”.

The *methodologically* relevant observation is that the more *reliable* data the ethnographer seeks, the more involved and *positioned* she has to become as a partner in the *verdde*-system. Kept alive by dry cod from fisher-peasants in Deanudat, I became one of their organic intellectuals.

¹⁰¹⁴ Mauss 1923-4

11.3.6 Summing up: the social biography of salmon flesh

The visit to the Denudat fjord arm allowed us to follow the flesh of the salmon through the production line, from the fisherman's fishing location, to the stomach of the fisherman's friend. Thus we traced some particular associations through the network of adjacent action situations. As a result, we could observe some of the instances whereby norms are being applied and further developed. At the fishing locations, we observed how the institutional change is influenced by political entrepreneurship, the same action repertoire as was discussed in the previous chapter. At the fish receiving facility, we visited various forms of social entrepreneurship: the quay actualized economic social entrepreneurship, the bio-scientific reporting actualized epistemic social entrepreneurship. Finally, I chose not to follow the salmon flesh that is being distributed as a raw material on the capitalist market, but instead, I chose to follow the salmon flesh that is being distributed in the local subsistence and reciprocity network. There, I discussed how ancient social institutions are continuously maintained and developed in the local kinship and *verdde* society (see table 11-2).

Table 11-2: A social biography of salmon flesh, as it has been traced in this text.

Paragraph in text	11.3.2	11.3.3	11.3.4	11.3.5
Social function	Political salmon	Economic salmon	Scientific salmon	Salmon total object
Form of empowerment	Political entrepreneurship	Economic social entrepreneurship	Epistemic social entrepreneurship	Local kinship- and <i>verdde</i> society

While fjord fisheries are the main source of the livelihood of the local people in the Detnu Fjord, the *salmon* is one type of catch with special social value. The wild salmon is greatly vaunted for nutritional purposes. When well prepared, it is particularly highly valued for its taste. Thus, it also has great value as a gift, especially in the local *verdde* fellowship. The catching of wild salmon and the preparation of its flesh, actualize, maintain and further develop traditional norms and lore. Thus, it has a political-judicial value as one “natural basis for the Sámi culture” a term introduced by UN norms and established locally by the Sámi Rights Commission.¹⁰¹⁵ Potentially, it may also have a high political-economic value as a commodity. Earlier, the flesh was sold for good income; now, more income comes from selling tourist angling experiences. Some would argue that nature tourism is among the traditional Sámi livelihood adaptations.¹⁰¹⁶ In sum, the wild salmon is a resource for nutrition, an object of regulation by local informal customs, an asset for exchange in the local *verdde* economy, an object of local traditional knowledge. All of those functions serve the maintenance of the local community, its culture, its economy, its knowledge and its jurisdiction. By

¹⁰¹⁵ Norwegian Ministry of Justice and the Police 1997

¹⁰¹⁶ Interview with Tapiola, Aslak, interpreted by Katja Tapiola, Utsjoki, 6th February 2011

maintaining the “vigour” of the Sámi wild salmon stock (to employ a patriotic expression used by the Norwegian fishery management¹⁰¹⁷), the local indigenous people sustain their own empowerment. The local wild salmon is, as a “total social object”, *empowering* for the local indigenous human.

11.4.0 Social defence: the other side of Deatuvuotna

11.4.1 Accessing the other side of the fjord – the social back-stage

Participant observation is a powerful tool. British social anthropology gained rich funding to develop its methods and concepts under the British Empire. One may ask *for whom* such anthropology was empowering. Who owns the empirical knowledge? In the Deatnu Water Area, local knowledge entrepreneurs among the Sámi have seized the means of academic knowledge production for their own use. They are my more senior peers, who possess the resources to guide my research and to assess the result. The ethnographic glimpses exhibit empirical knowledge that is the property of the local community. I am the author of the observation, but not the author of what I have observed. The empirical input is something I borrow from the keepers of traditional knowledge. My right to use this knowledge depends on how I use it. One test is whether I am welcomed back by those who shared their fish with me. This is not only a question of being more or less truthful. The more truthful the knowledge, the more empowering it is. The question is how it is used; empowering for whom. Whose research questions do we choose to pursue?

The samples from social entrepreneurship were ordered and presented in a linear manner, following the value chain from the fishing location to the kitchen table in one specific fjord arm. I will not be that straight forward when I disclose samples from the social defence of longstanding customs and traditional knowledge in Castal Sápmi. First I will “beat around the bush” a bit, by discussing whatever are the actual norms and the actual perceptions of justice among the population. Only thereafter, will I proceed to “take the bull by its horns”, facing head on the

¹⁰¹⁷ Norwegian Official Report 1999 (NOU 1999:9): The language of this report not only presents facts, but also conveys normative statements regarding collective rights to land and water, through its choice rhetorical means, as well as its reference to the legislative process. At page 23, the rhetoric appears to appeal to an assumed Norwegian national patriotism: “The Committee believes it is realistic for the *Norwegian* stock complex of salmon to recover much of its former *vigour*” (my emphasis). At pp. 25-6, the report mentions a dissensus, where a minority of commission members states that one should await the results of the investigations commissioned by the Sámi Rights Commission. (This dissensus is similar to what we found a generation before, see the Norwegian Ministry of the Environment 1978a).

contentious issue of everyday resistance or social defence.

Before we proceed to the other side of Deanuvutona, *we will first* make a stop over at Storraoaivi, or Indre Torhop, a tiny bay close to the fjord arm Čuollovuotna. Here we will continue what we started at the end of the story about social entrepreneurship. At the fisherman's table, we ventured beyond the issue of social entrepreneurship, and entered into the issue of local kinship- and reciprocity networks, entailing the maintenance of social integration in the social fabric itself. We will now continue addressing the same issue, by visiting a joint effort among village committees in the Deanuvuotna. Gathering at common midsummer celebration in Storraoaivi, fisher-peasants from Deanudat and Čuollovuotna fjord arms, meet with peers from the other fjord arms. This is a temporal hub of social integration across several localities around the Deantu Fjord region. Such a situation is a relevant example for the purpose of entering *the parallel social order*, which consists of longstanding customs and traditional knowledge, the practices focus for the Sámi Rights Commission and the Coastal Fisheries Commission. These are the local customs and local knowledge that have been maintained and developed since times longstanding, regardless of whether the state builders have codified, criminalized, or simply ignored those practices.

Only after having learned more about the mundane social reproduction of local morality and local norms, *is the time ripe* to approach the samples that I have gathered from the other side of the fjord, from some particular action situations where there is friction between Norwegian state laws and longstanding Sámi customs. *Some* samples are taken from the complexities between traditional knowledge and state-certified science. *Other* samples are taken from the complexities of customary barter and state-certified trade. *Finally*, I will turn to the tricky question of how stigmatization and criminalization from the Norwegian state may challenges the maintenance of local moral order in a Coastal Sámi community. The term "Social defence" has been chosen to describe actions that may be more or less functional in defending local morality. This moral order is an indigenous jurisdictional order, which is parallel to, and older than, that of the states. If the Ørebech Report is correct, then those local customs are like any other local customs among ethnically Norwegian peasants in Southern Norway. However, local customs in such areas were codified by the same nationalist state-builders that also criminalized similar customs in ethnically Sámi areas in the Northern provinces. Such systematic discrimination is the reason why the Sámi are an indigenous people according to UN norms. Thus, the report from the Coastal Fisheries Commission is probably correct. Social defence is a non-violent and restrained method to defend human rights that should have been guaranteed under the ICCPR and ICESCR, but that are being denied by the regime.

These data concerning the maintenance of the local social order, plus samples of some of the situations where there might be friction between local norms and state laws, will provide us with a

basis for discussing the two contradicting reports from the Norwegian Ministry of Fisheries, and also, the relationship between longstanding indigenous laws and codified state laws. Those are relevant issues for the explanation of state transformation in the High North. It might be that a *siida* system that never fully disappeared has continued to co-evolve with a state system that was never fully consolidated.

11.4.2 Biased state laws – and the politics of village committees

Legal pluralism in the socio-ecological environment has concrete consequences during tangible action situations. In some situations, there may be a diversity of normative praxes, and a diversity of collective framings. *Before* engaging with samples of praxes where there is friction between different normative orders, *I will first* address a sample of praxis where there is a friction-free richness of varied norms and interpretations in the community. Above, we followed the flesh of the salmon to visit some situations where social entrepreneurship takes place. We ended up at the fisherman's kitchen table, where everyday reciprocities are being maintained and developed. The salmon flesh is one of the valuable assets that are used for gift exchange, which maintains social integration, and which may potentially integrate newcomers as well. By eating with locals, the ethnographer gained some access to this local social fabric. The reader will now be brought to a gathering where people from communities all over Deatnu Fjord met and shared grilled salmon flesh. We will visit the political anthropology of joint community action.

At midsummer, I had lived some days as a guest with my new friend Truls in Čuollovuotna (Tarmfjord). He was the grandson of the fisherman Per, who had enjoyed much respect in the community. Truls had taken me to Per's old fishing locations, and we had visited Per's old friend Olaf. When midsummer came, we went together to the celebration at Storraoaivi (Indre Torhop). There was already a large heap of firewood for the midsummer fire. People went to and fro around a caravan. The caravan was like a kiosk. Here, we bought pieces of wild salmon, to grill over the fire. Afterwards, they sold coffee and cakes. Each household had brought their own cakes to be sold at the caravan. My friend Truls looked after Piera, son of his friend Magne, who lit the big midsummer night's fire. The large fire burned under the midnight sun. The caravan was a mobile "grendehus" (community house), and the celebration was organized as a joint effort amongst local people from around the entire Deatnu Fjord. When each household delivered their cakes to the caravan, they pooled resources in a common hub. The coins with which we paid for the cakes and the salmon went into the common cash box in the caravan, funding the expenses incurred by the celebration.



Figure 11-13: Midsummer night under the midnight sun, at Storraoivi (Indre Torhop), June 2012.
 Upper left: Magne lights the fire, while Truls looks after his son piera. Upper right: the midsummer fire.
 Bottom left: The mobile "grendenus". Bottom right: Sharing wild salmon at the midsummer night fire.



Local terms: “bygdelag” or “siida”? The caravan was a tool through which the local village committees could federate. Some of the local associations call themselves *Gilli Saervi*, which is a Northern Sámi translation of the Norwegian concept *Bygdelag*. Others call themselves *Siida*, referring to the organizational units of the ancient stateless political system in the area. Both concepts are symbolically and organizationally relevant to make sense of civil society action in this coastal Sámi area. Historically, we might explain the contemporary praxes of the village committees by a process of hybridization, between the communalist movement in the Norwegian countryside, and the ancient stateless political system of Sápmi. This might explain the ambiguous meaning of the contemporary village associations. In some situations, some persons might tend to frame their activity as a *political alternative* to the state: a parallel normative order. In some situations, some persons might tend to frame their activity as an *apolitical alternative*, a civil society regulated by state norms. Those conflicting framings may vary between various individuals, or alternatively, between different situations.

When local village associations are named either *bygdelag* or *siida*, those naming alternatives may indicate different interpretations of the local social fabric. The Norwegian term

bygdelag, and its Northern Sámi equivalent *gilli saervi*, indicate an affinity with a historical movement for agricultural communalism. This transnational movement became partly accommodated within Norwegian and Finnish nationalism, and thus, it has become a strong element of the institutionalized political culture in the Norwegian and Finnish entities. Different affiliations are indicated if the Northern Sámi term *siida* is used to describe the village associations. This refers to historical heritage from the stateless political system that existed in the region before the kingdoms reached agreements concerning the various borders in the area.¹⁰¹⁸ In some situations, the name *siida* may connote honoring of a past that is long gone. In other situations, the same expression may connote a position that the ancient stateless political system never fully disappeared, but continued to exist as a parallel jurisdictional order. The structure of the local social fabric might be described as a *verdde* society, a specific form of kinship- and affinity network. This form of organization is mainly Sámi, though it has always accommodated ethnical, linguistic and economic heterogeneity. It is also politically heterogeneous. It may function, at some times or places, as a hybrid *bygdelag*, and at other times or places, as a *siida* reborn. What I have said about the meaning of those terms thus far is how I have learned to understand their conventional signification or connotation in the local communities that utilise these terms.

Scholarly terms: social or political system? We may draw an analogy to similar distinctions within political science and social science. I think that, when a village association is described as *bygdelag*, it has more or less the same meaning as when political and social scientists talk about “civil society” or a “social system”: private associations among citizens, that are separate from the body politic, or the body of law. Civil society is contained within an already constituted political order. However, when the same association is being referred to as *siida*, then this implies that the local social fabric is reminiscent of the ancient stateless political system, and as such, a valid source of customary laws (regardless of whether these norms have been codified, criminalized, or simply ignored by the states). Such practices maintain and develop constituted orders in their own right. Consequently they (re)produce constituent power, rather than being contained by constituted power. This is a “political system”, more than a “social system”, in the terminology of the political and social sciences. The *siida*-system never fully disappeared, while the state-system never became fully consolidated. With the new proofs in legal history, presented by the Sámi Rights Commission, it is clear that legal and jurisdictional pluralism, combined with un-contested monopolies of violence, are the fact on the ground in many of the areas where Sápmi and Norway overlap. As

¹⁰¹⁸ For a historical-geographical account of the establishment of state borders in the Sápmi region, see part 5.2.5, and in particular the historical map in Figure 5-5. It should also be noted that borders drawn on a map (*de jure*) are not automatically translated into actual usage of land and water (*de facto*). See also Jebens (2010: 22) for a distinction between two definitions of customary law: *formalists* count customs that are codified in state laws, *substantivists* also include the perceptions and practices of local people, regardless of codification. The same does Ostrom (2005).

described in Chapter 1, the Sámi Rights Commission led to a fundamental reform of Norwegian jurisprudence. This represented a paradigmatic shift from state-centered “legal positivism”, towards a legal pluralism that also included communitarian sources of law. However, as discussed in Chapters 1-4, no similar paradigmatic change has taken place in Norwegian political science. In that field, the state-centered “political realism” has not been replaced with another paradigm. Thus, Norwegian political science still does not reflect the ongoing efforts to heal the harm done by Norwegian nationalism to the indigenous peoples of Sápmi. Instead, Norwegian *statsvitenskap* finds itself in a crisis of identity, after experiencing competition from an emerging cluster of institutions conducting institutionalist and constructivist I.R. studies. All this was described in Chapters 2-4, concerning the rivalry between the old and the new approaches. However, before I say anything more about what this might imply for our understanding of Sámi social entrepreneurs, let us return to those entrepreneurs.

The “Sámi activists”: In the Deatnu Fjord area, a Coastal Sámi environment, there is competition between the two main state-wide interest organizations for Sámi issues, namely NSR and SLF. Of those two, the former is associated with the Nordic Samiráđđi, while the latter is associated with the Norwegian Labor Party. When drawing public attention to secret whispers, my action may fit better with the argumentative strategy of NSR than that of SLF. Loyalty to the nation-state has been a priority for the Norwegian Labor Party since 1936. However, further upstream along Deatnu River, the infrastructural tentacles of the state system are less tightly woven, and date from more recent time. As I approached the highland plateau of Inner Sápmi, other voices became more vocal. Here I met the so-called “Sámi activists” (*sameaktivister*). This term is sometimes used with somewhat derogatory connotations, by other local Sámi who pursue less (openly) contentious paths to empowerment. The “Sámi activists” are rather vocal, and used to dealing with fellow activists from the new social movements. I stayed with some of them in the Polmak and Utsjok areas, on either side of the Norwegian-Finnish border. Local historians give significance to the fact that these two areas once belonged to one and the same territorial unit in the ancient political system: *Ohcejohka siida*. In theory, the kingdoms divided this *siida* in two already in 1751. In practice, they could not exercise much control until modern infrastructures were being built in the 1970s, a process that would culminate with the Alta-dam plan. Even today, one can discuss to what degree the Norwegian and Finnish political entities have consolidated actual social acceptance among the population in the ancient *Ohcejohka siida*. This is a particularly urgent question regarding the *actual* use and management of natural resources. With the Norwegian Sámi Rights Commission, it appears to have become politically possible to discuss this question in public, also on the Finnish side. The Sámi activists in this area claim that the local social fabric is *more* than a set of *private* family and friendship ties among some *citizens* under two states. They claim that the

local kinship- and affinity networks actually constitute a *contemporary reminiscent* of an *ancient tribal confederacy*. This is the social fabric of the local communities that has continuously maintained and developed local customs and local lore since times immemorial, regardless of whether the latter have been codified, criminalized or ignored by the states. This political discourse, or rather this local experience of socio-material reality, appears to have provided hypotheses for the historical and legal research led by Nordic Sámi Institute, and the Sámi Rights Commission.¹⁰¹⁹ The Sámi activists are rather vocal, and they are definitely among those indigenous people who have seized access to the means of knowledge production. Several members of the Nordic Samiráđđi possess doctoral degrees, especially in human rights law. Some of their expertise they shared with me. In Chapter 2, this was presented as *postcolonial human rights law*, and I discussed what this recent development in international law might imply for a potential decolonization of political science. I have argued that political science is still encumbered with a colonial heritage, and that the effort to overcome such biases is a gradual and laborious process. This is the state of the art in the uneven development of *rights* and *proofs*. Residual colonial biases in the body of knowledge are inter-dependent with residual colonial biases in the body politic. Thus, there might be limited political opportunities to voice certain concerns, without being stigmatized in the official discourse. Therefore, those local Sámi people who are sceptical *vis-a-vis* the Sámi activists might have a point when they imply that the “activists” are somewhat alienated from the actual practical realities and might be too closely affiliated with social movements among the urban middle class. However, as a guest-friend and a comrade from exactly those movements I think this implies that we must take action to change the practical realities. To put it bluntly: I think that the state-centered path pursued by NSL is still a necessary component of a plural action repertoire, because, when NSR chooses “to speak truth to power” this in itself is not sufficient in order to get the power to accept the truth. To put it less bluntly: Decolonization is bound to remain an open-ended process, because proof-finding is bound to remain open-ended, and this is also the case for our collective effort to develop a decolonized art and science of state transformation.

The framings and repertoires chosen by SLF do not pose any public challenge to old school political science: so-called “realism”. By contrast, the framings and repertoires of NSR are more

¹⁰¹⁹ One example is a rare report that I found in the library and archive of the Sámi collection at the Norwegian Folk Museum: Tromsø Sámi Association 1986: *The First Nations. Report from Indigenous Days 1984*. Romssa: Keviselie Publisher. See in particular the contribution by Nils Jernsletten: “The role of the indigenous people in the world?” (p 27). This indicates that there was a hypothesis that the ancient Sámi society had been “some form of primordial communism”. When the history became better documented, this hypothesis transpired not to be quite correct, but neither to be totally misleading. For the continuous maintenance and development of customary praxes and knowledge praxes in Sápmi, see The Norwegian Ministry of Justice and Police 1997.

compatible with new school political science, namely institutionalism and constructivism. Therefore, I hope my chosen research design may potentially be of relevance for the continuous deliberation on framings and strategies around the SLF and the NSR. The puzzling thing, for old school political science, is that after the reports from the Norwegian Sámi Rights Commission, the *new proofs in legal history* indicate an actual legal and jurisdictional pluralism, even though there are un-contested and clear-cut monopolies of violence under each of the four states. According to the predictions of state-centred “realism”, that should not be possible, because it is assumed that jurisdiction is a function of sovereignty. The social ecology of Sápmi, in terms of Elinor Ostrom’s SES framework, is a pluricentric political environment where formal and informal norms co-evolve. As I formulated it in the four introductory chapters: the *siida*-system never fully disappeared; the state-system was never fully consolidated. Both are *de facto* sources of jurisdiction, and both are socially (re)produced in parallel. Thus, the geography of jurisdictions, meaning actual sources of law, is different from the geography of sovereignties, the meaning monopolies of violence. There are entangled legal systems: on the one hand, the indigenous state-less ones; on the other hand, the more recent state-based ones. The crucial thing to observe is that the states (and only the states) apply coercive force as a means to police and defend laws. The indigenous peoples of Sápmi have always been reluctant to answer violence with violence, *but still*, they have policed and defended longstanding customs through *social sanctions*. That may not make sense for so-called “realist” political theory, but it does make sense if we import a technical term from social movements that push for prefigurative satyagraha: When longstanding customs have been continuously maintained and developed, regardless of whether these have been codified, criminalized or ignored by the states, this may be seen as *social defence*¹⁰²⁰ against the (more or less benevolent) racism of the states. Whether or not the presence of entangled legal systems implies that there are entangled political systems as well, is, in part, a definitional question. For the state-centered realist, there may be stateless political systems, but there cannot be a political system without institutional violence. However, for the institutionalist or constructivist, this is not so clear. This is a macrosociological issue, and I will revisit it after at the end of Case II. For now, I will turn to how the actual legal pluralism works with regard to knowledge practices and political economy. In particular, I will turn my attention to samples of knowledge praxes and political economy where there is some degree of unresolved tension between state norms and indigenous la

¹⁰²⁰ Sharp 1990; Johansen 2000

11.4.3 Biased funding of science – and boycott of scientific monitoring

Legal pluralism has consequences for *the organisation of knowledge praxes*, as it also has also for other aspects of life. Let us have a look at some samples that indicate the possibility of friction between state certified science and local traditional knowledge. (Afterwards, the attention will turn to how legal pluralism may have similar consequences for political economy.) The reader has been shown my ethnographical sample of how bio-scientific sampling is conducted at Reidar's fisherman's laboratory. That is the front-stage of participatory scientific practice. However, another local fisher-peasant introduced me to the back-stage controversies surrounding bio-scientific monitoring. A local fishery biologist would later share his frustration over local fishers who boycott the monitoring routines. In such controversies, the political-economic context of environmental science becomes obvious.

First, some general words about the socio-economic function of bio-scientific monitoring. Fishery biology is a shared resource for fishers who fish from the same fish stock. They may compete to catch the fish, but everyone has common interest in realistic estimates of the size of the fish stocks, and reliable figures showing the ecological ebbs and flows of the shared resource. If this reasoning is correct, then one might expect that fishers would be likely to cooperate with the fishery biologists. Firstly, it would be costly for all if some did not care. Secondly, fishers that did not care would meet with social sanctions from their peers. Such reasoning is in line with Elinor Ostrom's findings on cooperative natural resources management. *However*, fishers may not necessarily trust that the monitoring method is a reliable indicator of the actual size of the fish stock, and they may not necessarily trust the political policy makers that are in a position to utilize the data.

On my second visit to the Deatnu Fjord, bio-scientific reporting had become a contentious issue. I participated in the midsummer celebration in 2012. People from various fjord arms congregated at Storraoivi (Indre Torhop), which provides a nice viewpoint towards the north, where the sun never went down. Old friends met and exchanged gossip. I also met acquaintances from the year before.

When I had arrived at the midsummer celebration, fisherman X inquired about what I had learned since my previous visit at the fjord. I had to think a bit, and answered I had learned that I have to be careful about what I write, because it might easily be misused. The fisherman answered that yes, there are not so many researchers who are interested in their perspective. They had used to collaborate with researchers and had done measurements for them, but then they had experienced that the information they gave was used against them, so they had become less interested to participate with the researchers. [Fieldnote 27.06.2012]

Later, I would learn more about this issue from another point of view. When I had left the Deatnu Fjord, and travelled further up along the Deatnu River, I would knock at the door of the

salmon management office for the Deatnu River.

Over a cup of coffee, the fishery biologist Kjell-Magne Johnson updated me on the situation. His mandate was to monitor the river, and he shared news from the bio-scientific community. It had become more difficult to obtain the bio-scientific reports from the salmon fishermen in the fjord. Difficulties at a diplomatic level had emerged when biologists had obtained the surprising results of genetic tests from each of the salmon specimens being caught in the fjord. It appeared that far from all the fish were heading for the Deatnu River to do the mating. A considerable proportion of the catch appeared to be salmon with origins in Barents rivers further east, under Russian jurisdiction. This had become an issue of diplomatic negotiation between the Norwegian and Russian governments. Many local salmon fishermen in the Deatnu fjord had started to boycott the bio-scientific reporting. They did not trust that the Norwegian government was willing to take care of their interests in the diplomatic negotiations.

The reliability of the monitoring system has been increased over the recent years, but its reliability is still debatable, and it is being actively debated. Scale sampling is in fact one of the methods that has increased the reliability. In the past, the Norwegian government used to rely on statistics on reported catch. However, if you ask a fisherman what he has caught, he answers with a poker face. Where to find fish is a trade secret for those who live off natural resources. Therefore, the Finnish government did not accept catch statistics as a reliable indicator, and introduced a series of more scientific measures: counting with underwater cameras, echo sounding, ultrasound, and finally, DNA-tests gathered with the catch reports. Still, the practical priorities of the fishery biologists remain contested, especially on the Norwegian side of the Deatnu water area. I have met few fishermen who question the validity of DNA-sampling, or the reliability of probabilistic methods, but field biology cannot obey strictly probabilistic methods.

1. *Firstly*, the Norwegian government still uses catch statistics as a main indicator of the actual size of the fish stock, while the Finnish government relies on field observations to a greater extent. I have heard fishermen being skeptical of the former method, and biologists being enthusiastic about the latter.
2. *Secondly*, in all of the Deatnu Water Area, local fishermen also demand more research on how much fish is taken by competing predators: seals, ducks and especially large fishing vessels on the open sea. I have seen good research on predation from ducks,¹⁰²¹ but nothing on catch by large vessels.
3. *Finally*, especially in the downstream parts of Deatnu, there are contentions about how bio-scientific data is combined with socio-economic indicators, in particular, how to measure the

¹⁰²¹ Moen 1983 (found at *Tana folkebibliotek*, the municipal public library at Tana Bru)

relative economic benefit of different forms of fisheries: in purely *monetary terms*, tourist angling provides more income than selling one's own catch, but the local community also has a *real barter economy* that cannot be measured in monetary terms. This is the economic context of ecology, and I will address it myself, towards the end of the present chapter.

All three are unfinished controversies, and in my view, all have profound implications for the local fisher-peasants as well as for the interest organizations of small-scale fisheries. However, I think one should be careful about how to frame the political cleavage. In my view, it would be a *misunderstanding* to see this as a conflict between *science* and small-scale fisheries. *On the contrary*, it seems to me a conflict between *bias* and small-scale fisheries.

While the fishery biologists and the subaltern fishery organizations would have a shared interest in overcoming the existing political bias in the monitoring system, there are other and more influential actors who profit more if nothing is done about the bias. Those are found in some influential interest organizations: *First and foremost* is the dominant Norwegian fisheries organization (*Fiskarlaget*). This is dominated by industrial fisheries, and their contribution to the Norwegian GDP is not insignificant. *Second*, we have the sports angler organizations in Norway and Finland, which are socially close to environmental science as a profession. Similarly, the Norwegian Ministry of the Environment and the Finnish Ministry of Forestry deny the existence of regional indigenous rights to natural resources, and instead insist that those are specifically *national commons* for the citizens of the *nation-states*.¹⁰²² It is symptomatic that a Norwegian governmental report on salmon rivers in Norway has chosen a national rhetoric, presenting those salmon stocks as a specifically *national commons*.¹⁰²³ Such *rhetoric* overlooks the *facts* that the Deatnu River is shared with the Finnish and Sámi nations, and that Atlantic Salmon is a migrating species. Thus, there is a tendency towards methodological nationalism not only in the human sciences, but in environmental science as well. Such biases are gradually being overcome with the development of transnational epistemic communities, related to multilateral institutions. One such institution is the North Atlantic Salmon Preservation Organization NASCO. However, this organization also seems to be closer to sports angler interests rather than to small-scale fisheries or indigenous peoples.

In the fishery biology of the Deatnu Water Area, nationalist biases seem to have become less significant. The monitoring of the salmon stock became more reliable through multilateral

¹⁰²² Borch, Buanes, Karlsen & Olsen 2009

¹⁰²³ Norwegian Official Report 1999 (NOU 1999:9): The language of this report not only presents facts, but also conveys normative statements regarding collective rights to land and water, through its choice of rhetorical means, as well as its reference to the legislative process. At page 23, the rhetoric appears to appeal to an assumed Norwegian national patriotism: "The Committee believes it is realistic for the *Norwegian* stock complex of salmon to recover much of its former *vigour*" (my emphasis). At pp. 25-6, the report mentions a dissensus, where a minority of commission members states that one should await the results of the investigations commissioned by the Sámi Rights Commission. (This dissensus is similar to what we found a generation before, see the Norwegian Ministry of the Environment 1978a).

collaboration between Finnish and Norwegian state agencies, within the framework of NASCO. For example, the Norwegian government has learned from the Finnish one, and relies less on catch statistics than previously. Still, more biases remain to be overcome. Nothing has been done to inquire about how much salmon is caught by larger vessels. Little has been done to assess how much salmon is eaten by seals or ducks. Further, these biological issues are closely entangled with how the eco-technocracy perceives socio-economic and socio-cultural issues. Nothing has been done to assess the socio-economic significance of the indigenous barter economy. Finally, the governments still deny the existence of Coastal Sámi culture, which would imply that local fishing rights belong to the local and regional *demos*, and not to the nation-state *demoi*.

When local fishers boycott bio-scientific reporting, it should be understood as a desperate manoeuvre. This is because fishers who compete for a shared fish stock also have a shared interest in sustainable management of that stock. If one just *assumes* that the bio-scientific reporting conforms with the ideal scientific method, then one might easily conclude that local small-scale fishers are unenlightened about their own common interests. However, fishery biology is no laboratory science, and many methodological issues are open for discussion. The continuous deliberation about theory and method has been a source of scientific progress for fishery biology in the Deatnu Water Area, and this continuous deliberation remains open-ended. Biologists at the local research station RKTL publish in scientific journals. Bureaucrats, politicians and diplomats deliberate over shared policies between the two states. Various interest organizations mobilize the resources that each of them can afford to influence the policy process. Finally, the local fisher-peasants participate directly, both in formalized and informal manners. Catch reports and the delivery of scale samples is a formalized form of direct participation, but this practice is framed within the already constituted monitoring regime. Boycott of the reporting is an informal form of direct participation, a form of civil disobedience similar to strikes, and this signals a will to re-constitute the existing monitoring regime. This does not mean that the fishers are against science, but on the contrary, that they have grave problems with the residual biases that remain to be overcome. There will always be some biases that remain to be overcome, but in this case *the biases are being perceived as so grave* that the *benefit* of participating in the established monitoring system becomes less than the *cost* of boycotting it. If I am correct to assume that the cost of scale sample boycott is generally rather high for local fishers, then this means that scale sample boycott is a last resort.

Above, we had a look at how Sámi social entrepreneurs try to develop an emerging, transnational epistemic community for *indigenous fishery science* (see 11.2.4 above). If this eventually succeeds, it will continue the positive development that was provided by NASCO, but in a way that overcomes some of the socio-economic biases that we still find in this organization.

However, the indigenous fishery science is still in its infancy. This counter-power has not yet consolidated its political capacity. The existing political bias of the state-certified fishery science is experienced as a threat to indigenous livelihoods. Thus, civil disobedience is a preliminary tactic to defend those livelihoods.

11.4.4 Biased regulation of markets – and criminalized reciprocities

Legal pluralism has consequences for the *political economy*. The reader was introduced to various economic practices that are actualized by following the salmon flesh through Deanuvuotna. I showed how the fishers at the quay had showed me the concrete result of small business entrepreneurship. I also showed how the fisher who welcomed me at his table had let me get a taste of indigenous reciprocity practices. Those are samples of local economic life that is regulated according to longstanding customary norms, but they are not in conflict with state law. The state has codified some customs for business entrepreneurship, while it simply does not care about customary distribution of fish flesh in kinship and reciprocity networks. However, another fisher-peasant let me get a glimpse into some other forms of economic exchange, which actualize some un-resolved tensions between Norwegian state law and longstanding Sámi customs.

I stayed on the eastern side of Deatnuvuotna for only a few days. The area had a reputation for having been totally assimilated into the Norwegian language and culture. The summer 2012, however, there was a Coastal Sámi revival in the area. One of my drinking mates at the pub in Tana Bru had a cousin on the eastern side of the fjord, and I got a lift in his car. I put up my tent in the meadow of a small farm, and the fisher-peasant pointed out a good fishing location for me.

I took the fishing rod and went out on the pier. There I threw out, and dragged some nice small fish out of the water. They were slimmer than the small codfish I had dragged up the previous day. A guy arrived with a car [...], and we started chatting. I asked him what kind of fish it was, and he could tell they were coal-fish. I threw again, and got a bite again. [...] I wanted to chat with the stranger again. He was conversing with Fisherman Y about the exchange of goods and services. When they had reached an agreement, fisherman Y went to the freezer, and got the largest salmon there. It was wrapped well in newspapers, and the fish changed owner. I took out the camera, to document the distribution of fish, but the two appeared to become a somewhat embarrassed. I put down the camera. (Only next day would I get to know that there might be some discretion about sale of salmon, because some of the customary verdde-system has become criminalized under the “black economy”-label. [Travel memory, August 2012])

Economic anthropologists use the Northern Sámi term *verdde* somewhat liberally. It is

traditionally used to refer to a specific form of arrangement in the Sámi reciprocity system, where a regular visitor with whom you establish regular reciprocities becomes part of your kinship network, a “guest-friend”. In less precise language, *verdde* may be used to refer to the entire kinship and reciprocity system found in local communities in Sápmi. There is a rather rich literature on gift exchange, barter economy and reciprocity networks in Sámi cultural settings. This was what I had in mind when I took my field notes.

We became better friends. Now, we talked about distribution of salmon. It was now I got a clear message that the distribution includes sale that some would call “black economy”. The information made it easier to understand the discretion of Fisherman Y and his buyer [...]. Where is the limit between gift exchange and trade? Since debt is usually implicit in such gift exchange, it might be difficult to insist that gift exchange is something quite different if state-certified currency is being used as the means of exchange. In my opinion, the problem therefore is not that there exists a so-called black economy in the distribution of salmon among traditional fishermen in the fjord. Instead, the problem is that state regulation of monetary economy is badly adapted to the interaction between the newer monetary economy and the older barter economy. If it is a political goal to have vital local communities, then the authorities must refrain from criminalizing the barter economy. Myself, I have no money to spend on salmon, and have to rely on exchange with other resources I might possess, such as for example investment of academic capital. [Travel memory, August 2012]

Barter economy and monetary exchange are not mutually exclusive things. Since times immemorial, the Sámi have occasionally traded with neighboring peoples who used various currencies, such as the Norse and the Pomors. Economic customs have been continuously maintained and developed since prehistoric times, and are now an integral part of the actual legal pluralism that was shown by the reports from the Norwegian Sámi Rights Commission. These reports show that, in spite of formal claims of state jurisdiction, the *actual* management of natural resources in Sápmi has been mostly regulated by longstanding customs. This includes norms regulating harvesting from nature, but also norms regulating the distribution of products, through kinship- and *verdde* relations. Longstanding local customs have been continuously maintained and developed, regardless of whether these have been *codified*, *criminalized* or simply *ignored* by the states. Before I introduced the issue of the so-called “black economy”, the reader had already been introduced to reciprocity systems that are either *codified* or *ignored* by the state.

1. *Legalized reciprocities* are at play among the small business entrepreneurs, for example those that we met at the quay (see 11.3.3 above).
2. *Ignored reciprocities* are at play when friends and family share salmon flesh through gift exchange, such as when I ate at Jan’s table, or at the common midsummer night fire (see

11.3.5 and 11.4.2 above).

3. *Criminalized reciprocities* are at play whenever the barter economy includes state currency but excludes tax reporting (a topic introduced in the present paragraph, 11.4.4).

This implies that there is no problem for *state law* as long as the monetary and state regulated economy is being kept *separate from* the informal and customarily regulated economy. In such cases it is no problem for *state legislators* that they deny the existence of indigenous culture in Coastal Sámi areas. However, in the traditional Sámi culture, there has never been any strict distinction between the formal and the informal economy. This is because longstanding customs have been continuously maintained and developed, regardless of whether or not trading partners have introduced money to the barter systems, and regardless of whether or not the barter systems have been legalized, ignored or criminalized by the states. Consequently, should the Coastal Sámi community in downstream Deatnu actually be defined as being within the UN-certified indigenous peoples of Sápmi, then this means that we must re-consider what should actually be defined as constituting the “black economy”.

The indigenous human rights struggle in Coastal Sámi communities *gained a clear public definition* with the report from the Coastal Sámi Commission. However, advancement in *state recognition stagnated* with Helga Pedersen’s temporal defeat and tactical retreat. The ICESCR not only deals with the right to speak one’s mother tongue, dance folk dances, and sell traditional handicrafts. It deals with cultural rights entangled with social and economic rights: basically, it is a *right to freedom from systematic discrimination*, both socio-culturally and socio-economically.¹⁰²⁴ Thus, the ICESCR deals with systematically unequal life chances. That also includes systematically unequal market opportunities. In my opinion, there is an unresolved tension between WTO norms, which further corporate capitalism, and the ICESCR, which is more social-liberal. Postcolonial human rights law implies a right to freedom from colonial exploitation.

The temporal defeat and tactical retreat of Helga Pedersen implies that the state still applies its coercive apparatus to enforce the claimed right of fishery capitalists in Southern Norway to exploit the local fish stocks of Coastal Sápmi. The coercive apparatus of the state is being used to police a policy that fetishizes GDP as the supreme indicator of economic development. In this index, methodological nationalism, monetarism and capitalism go together. Such ideology appears highly biased in three ways when I see it from a viewpoint in Deanudat. *Firstly*, regardless of indigenous human rights, there are good ecological reasons to refrain from nationalist particularism and monetarist reductionism. Common interest is not identical with particular nation-state interests.

¹⁰²⁴ To some degree, the same is prescribed by the ICCPR §27, which has stronger implementation in the regional and global human rights regimes. For more info, see part 10.2.3, in particular the footnote about the ICCPR and the ICESCR.

When the Coastal Fisheries Commission argues in favor of local and regional fishing rights, this is certainly not more particularistic than the existing nationalist exploitation of resources. On the contrary, locally-based fishers are more dependent on the local ecological balance than the owners of large vessels, who could fish anywhere. *Secondly*, also regardless of indigenous human rights, there are good socio-economic reasons to refrain from nationalist particularism and monetarist reductionism. The current dominance of industrial fisheries is incompatible with maintaining vital local communities or sustainable bio-cultural diversity along the Barents Coast. *Thirdly*, in addition to the socio-ecological and socio-economic dimensions, there is the legal dimension: postcolonial human rights law, including indigenous territorial rights. If one accepts that Coastal Sámi culture still exists, which was actually *proven* by the Coastal Fisheries Commission, then the state is obliged to follow the proposed reconciliatory policies that were suggested by the Commission. This is to define the right to fish from the local fish stock not as a (particularist) national right, but instead as an (also particular) local and regional right. Thus, the local population in Sápmi would enjoy this right regardless of whether one's forefathers were more Northern Sámi, more Kvän, or were subaltern settlers from Østerdalen in Southern Norway. This framing of rights is typical for the reconciliatory approach chosen by the Sámi Rights Commission and the Coastal Fisheries Commission, and, in my opinion, it makes sense in three senses: as a path to ethno-political reconciliation; as an acceptance of how difficult it is to know exactly what groups are indigenous and not; and finally, as a way to address the economic dimension of the ICESCR – the right to freedom from colonial exploitation.

I have now zoomed in on the socio-economic dimension of the form of systematic marginalization, the harm resulting from which the UN strives to heal via indigenous human rights. The local people in downstream Sápmi maintain and develop longstanding customs for subsistence, including the usage of nature, and the distribution of products, but this also implies five hundred years of ambiguous co-evolution with state politics and market-economy. *On the one hand*, the local barter economy has always been capable of accommodating monetary exchange. *On the other hand*, the state builders have attempted to criminalize some customary forms of nature usage and barter in Sámi areas. *Both of these* historical processes cross each other whenever local fisher-peasants practice the so-called “black economy”. This has several political implications.

Firstly, it implies that the local population may continue to conform with longstanding customs even when state legislators have attempted to criminalize them, and also, in spite of state legislators still denying that Coastal Sámi customs have actually been de-criminalized, as a result of the ratification of postcolonial human rights law.

Secondly, it implies that some longstanding customs, through ambiguous co-evolution with state law, gain a social function as “everyday forms of peasant resistance” against state laws that are

seen as illegitimate, or alternatively, as “social defence” of longstanding customary sources of law. This second function has some resemblance with anti-capitalist environmentalist politics: Some indigenous people and environmentalists seek to empower more sustainable economies through social entrepreneurship. However, under the rule of corporate capitalism, small market actors do not compete on equal terms with the large ones. Thus, some environmentalists and indigenous people seek to maintain and develop *parallel economies* instead.¹⁰²⁵ Regardless of whether the alternative economy is longstanding (as in Sápmi) or an innovation (as in eco villages), the joint effort to cultivate it, in an agonistic relation to corporate capitalism, is non-violent direct action, prefigurative satyagraha, and the maintenance and development of materially embedded *customary praxes*.

Thirdly, the continuous maintenance and development of longstanding customs, in ambiguous co-evolution with state law, appears to be a continuous constitutional process, whereby local people deliberate over how socially accepted morality ought to be. This process is a contentious one. The conflict was particularly pointed during the witch trials of the early modern Lutheran churches,¹⁰²⁶ but the consequences for local moral integration may also be harmful if the local population adopt the social stigma that comes with criminalization of customary law. The struggle to define or redefine the social morality of the community is a form of symbolic action, a cosmological drama, functioning on the basis of bodily embedded *knowledge praxes*.

Now I will turn to the ambiguous nature of anti-capitalist forms of everyday peasant resistance in a Coastal Sámi fjord area: on the one hand the material-semiotic struggle to maintain morality and cohesion against stigmatization and criminalization, on the other hand the material-customary struggle to maintain and develop empowering and sustainable alternatives to exploitative corporate capitalism.

11.4.5 Between empowerment and stigmatization

Legal pluralism has consequences for *everyday life in general*, not only for more specific topics, such as knowledge production or political economy. In some situations, there is friction between the parallel normative orders, and this may have consequences for the maintenance of *local moral order*. Attempted criminalisation may produce opposition, as a consequence of lost authority. However, attempted criminalisation may also subvert the local normative order, through social stigmatisation. I will now turn to this ambiguity: empowerment and/or stigmatisation.

¹⁰²⁵ Ressler 2008

¹⁰²⁶ Pollan 2007

Fisherman X and fisherman Y spoke to me about some criminalized praxes in the Deatnu fjord. Fisherman X expressed his frustration concerning how the state used information, while the local salmon biologist shared his frustration about the boycott of bio-scientific reporting. I have interpreted this drastic method as the last resort of local fishers and as an informal, contentious way to contribute to the collective, ongoing effort to overcome bias in science. Fisherman Y allowed me to observe criminalized reciprocities, which I interpreted as a bad adaptation of state laws to the customary barter economy. When state regulations of fisheries and economic entrepreneurship remain biased in favor of corporate interests and nationalist particularism, then social entrepreneurship is not sufficient for indigenous people and environmentalists. Thus, the continuous maintenance and development of autonomous alternative economies represent a complimentary path.

Those two action repertoires may also be seen in relation to each other. According to the Norwegian law concerning salmon fishing, each fisher is obliged to account for how much he catches, but also how much he sells.¹⁰²⁷ If a salmon fisher has found it necessary to boycott bio-scientific reporting, he already does not report how much he catches. Then it might appear too dubious if he reports more sales than catch. Because of the law, fishermen who find that the bio-scientific monitoring system remains so biased that it must be boycotted, may perhaps also find themselves forced into criminalized reciprocities, where barter and monetary exchange are mixed.

My observations from the social back-stage have been presented in empowering terms, as repertoires of everyday resistance against residual colonial exploitation, or alternatively, as forms of social defence of longstanding customs as a source of law. However, towards the end of the discussion of the so-called “black economy” I asked what might happen if local people actually adapted the frame of reference that is propagated by the colonial state, and actually began to *perceive* the criminalized reciprocities as a so-called “black economy”. It appears to me that in the Coastal Sámi Deatnuvuotna, state laws are so *obviously biased* that the *state subverts its own legitimacy* among the population. However, even though the state legislators have not succeeded into defining the actual perception of law in the local community, they may still engender significant uncertainty and confusion. It may be hard to maintain a clear-cut framing of longstanding customs as rightful, and of the attempted criminalization by the state as being unlawful. The regime may inflict moral doubt in the heart of indigenous persons, in much the same way as the early modern Lutheran Christian state/church succeeded in making some Sámi persons see themselves as the children of Satan,¹⁰²⁸ and also, in much the same way as the high modern Social Darwinist régime succeeded in making them see themselves as being racially and culturally

¹⁰²⁷ Norwegian Parliament 1993

¹⁰²⁸ Pollan 2007

inferior. Stigmatization and criminalization are social mechanisms frequently observed by critical criminologists. It might be hard to maintain a purely politicized interpretation of one's own actions if those are being stigmatized by the environment.

As I became better friends with local people, and I gained access to participant observation in more "backstage" situations, I also got the opportunity to observe some effects of stigmatization. Here is a rather everyday situation from a typical meeting place in the Deatnu region, the shopping center in Tana Bru, the largest village in the lower Deatnu River. It was the weekend after I had left Deanudat.

Truls and I went to buy food at [the supermarket] Rema. At the table outside G-sport and Rema, I accidentally met a fisherman from [Denuvuotna] [...] While I shared a few words with him, another guy showed up, carrying a bag of beer. I didn't recognize him [...] It was Fisherman Z. Now that I had already left [Denuvuotna], he appeared disgruntled that I hadn't visited him. He also found time to criticize the possibilities to succeed with the kind of interest politics that [they do] in Bivdi. [...] He went away together with his friend. Suddenly I got a feeling that he was some kind of black sheep in the family, because he drank and idled about. [...] He is an intelligent guy who forms his own thoughts, and has a critical perspective on the environment. [Travel memory, 27.08.2012]

The example of Fisherman Z at the food market may indicate social stigma, but also a kind of nihilistic capitulation with regard to the utility of political activism. Critical quietism appears as a final resort for civil resistance. The effects of social stigmatization are issues for social medicine. They may include alcoholism and depression, in addition to unemployment, clientistic dependency on the welfare state, and socio-economic stagnation. Such conditions are not untypical amongst indigenous populations. The popular culture of the majority nations includes cliché images of drunken Sámi men who are uneducated, unemployed and criminal. Such clichés are racist prejudices, but nevertheless, the same clichés might be used by the stigmatized subalterns to make sense of their own idleness, alcoholism and criminalized praxes. Certain problems or *symptoms* can be clearly observed, but there is fundamental disagreement on the correct explanation or *etiology*, which in turn leads to fundamentally different strategies or *treatments*. My preferred explanation, the socio-economic one, is a historical heritage from the militant past of the Norwegian Labor Party. The rival, culturalist explanation is a historical heritage from the explicitly racist Social Darwinism. In Coastal Sámi areas, as a result of eugenic policies from the 1880s to 1980s, the Sámi language and ethnicity were deeply shameful for many.¹⁰²⁹ During that period, Sámi belonging signified a social stigma that most people wished to hide, even for their own children. In upstream areas of the

¹⁰²⁹ Eypórrsson 2008

Deatnu River, a midwinter Saturday night at Rastegaisa pub, I drank with a truly subaltern reindeer herder, who was a highly reflexive observer, but when he got drunk, he became slightly aggressive, and referred to himself with the derogatory term “fjellfinn” (Mountain Lapp). It felt as if some poor Afro-American was explaining his own poverty by referring to himself as a “nigger”. In the same village, I met the human rights lawyer Aimo Guttorm, who lamented that moral norms and social cohesion are being subverted by the states. It appears that the *criminalization* of longstanding customs might not only have been functional to *erode* respect for *state laws*, but also have been functional to *weaken* the indigenous *Sámi concepts of morality*.

Some criminalized praxes in Coastal Sámi areas might be framed in terms of disobedience against an unlawful political system, and may, as such, possess empowering potency. This framing is in line with postcolonial human rights law. However, the same praxes might equally well be framed as uncivil violations of civilized norms. As such, the same praxes may potentially have a stigmatizing and disempowering potency. Such framings were instituted locally as a product of eugenic praxes and Social Darwinist theory. Social defence is not only an insistence on keeping longstanding customs in spite of attempted criminalization. It is quite as much an attempt to defend the local moral order against the potentially eroding mess that might potentially be caused by stigmatization.

11.4.6 Summing up the repertoires of social defence

I have thus shown several samples of local social behaviour where there appears to be a tension between written state laws and longstanding indigenous laws. However, in order to introduce those samples, I first described a sample of smooth coexistence between both normative orders (11.4.2). In many situations, the state has neither codified nor criminalized the local longstanding customs, and the two systems simply coexist. I think this is significant in order to understand how social integration works in the Coastal Sámi fjord. In some situations, it might happen that behaviour that is conformist according to local morality and longstanding customs is being criminalized according to state law. I have presented samples from customary praxes, regarding the economic salmon (11.4.4), and from knowledge praxes, regarding the scientific salmon (11.4.3). Finally, I have engaged in a discussion about the power of social stigma, and how *criminalisation* from the state may lead to *social manipulation of morality* in the local community (11.4.5). Social defence is not only social sanctions that police and defend immemorial indigenous laws, but it is also an effort to maintain the local morality against eroding social stigma.

Table 11-3: Salmon flesh and social defence, as it has been traced in this text.

Paragraph in text	11.4.2	11.4.4	11.4.3	11.4.5
Social function	Salmon total object	Economic salmon	Scientific salmon	Political salmon
Form of empowerment	Local kinship- and <i>verdde</i> society	Economic social defence	Epistemic social defence	Social stigma VS. social defence

Possible erosion of the local moral order would not only be a problem for the local community, but also for the management of common natural resources. Elinor Ostrom has found examples of sustainable informal management systems that are brought out of equilibrium by intrusive states.¹⁰³⁰ Social defence may not be sufficient to maintain the equilibrium, if local natural resources are highly attractive to more resourceful interest groups. In such cases, the local community may become a target of what FIAN calls “resource grabbing”, and the *ideological apparatus* of the state may support that grabbing by creating confusion in people’s minds. In such situations, social defence may probably be a necessary survival strategy for the community, but is not sufficient in itself. Local people in the Deantuvotna Fjord area combine it with social entrepreneurship, aimed at capacity building, and political entrepreneurship, thereby transforming the state system itself.

11.5.0 Legal pluralism: between social entrepreneurship and social defence

11.5.1 Summing up

Empirically, this chapter makes use of data from *participant observation*, both in “front stage” situations and in “back stage” situations. Thus I provide some selected samples of what subaltern fisher-peasants in Deanuvutna might do to empower themselves, both publicly and discreetly.

Some samples show how local people seek to empower themselves through various entrepreneurial tactics, within the rules of the game defined by the state. Private and collective efforts strive towards turning economic underdevelopment into local development. Some collective actions strive towards the further development of alternative forms of fishery science, independent of national interests, as those are defined by states. None of these actions are contentious, but they are potentially empowering, and as such, they may change the stakes in socio-economic and socio-cultural conflicts.

However, a few of the samples bring actions to light that are themselves contentious, in the

¹⁰³⁰ Ostrom 2005: 58-64

sense that they have an unclear legitimacy. It has been challenging for me as an observer to make sense of actions that are understood as *conformist* by the local community, while being *stigmatized* by the states. This combination was puzzling for me. I sought disruptive practices, similar to what one might find among environmentalists who try to build “a new society within the shell of the old”. However, radical environmentalism is alien to local fisher-peasants, and those that I met showed skepticism to all forms of radicalism. Therefore, they understand their means and ends as moderate, even if the state administration may frame their actions as disruptive.

Still other samples show practices that are regulated by local customs, but are neither codified nor criminalized by state laws. These are practices that state policy makers do not care to regulate, and therefore, they also ignore them. However, the samples indicate that such practices are alive and kicking, and regulate themselves informally.

Conceptually, this chapter deals with the politics of everyday life. In accordance with a social-anthropological tradition instituted by Marcel Mauss, I trace the circulation of socially significant objects that can serve various functions: nutrition, exchange, communication, integration, and finally, influence or social power. The selected object is salmon flesh. By tracing its circulation and its various uses, I constantly cross the conceptual boundaries between the cultural, the social, the economic and the political. This classical anthropological technique does not assume that there is any actual functional differentiation between the political and the social systems (or the economic and cultural systems for that matter). By following the circulation of salmon flesh, I am brought to some action arenas where local fishers are engaged in *constituent praxes* at the *outside* of state-led policy processes. In some situations, I observed joint efforts to gain a better position on the capitalist market or within the organization of scientific research. These paths to empowerment take place outside the state, but are regulated by state laws, and I call them social entrepreneurship. In other situations, I found actions that were understood as *conformist* behaviour in the local community, while state laws either define them as *disobedience*, or do *not care* about them at all. These are indicators of parallel normative orders. Such normative orders may co-exist without friction in most situations. That may either be because state legislators have codified some local customs, or it might be because they simply do not care about some other local customs. In some other particular situations, the state legislators do care, but also do not accept the old way of doing things in the local community, and in those particular situations, there is friction between the two normative orders.

There are different ways to interpret this. I have observed a difference between some customary behaviour that has received the *blessing* of state law, and some other behaviour that has been *stigmatized* by state laws. Customary behaviour that is blessed by the state is what I have called social entrepreneurship. It is a relevant repertoire of action to observe, but it is not

particularly challenging to interpret. However, the customary behaviour that is stigmatized by the state is more tricky to interpret. In the introduction to this chapter, I suggested that such repertoires may either be called *social resistance*, drawing a parallel to James Scott's ethnography from lowland South-East Asia, or alternatively, they may be called *social defence*, implying a parallel with Scott's historical observations in highland South-East Asia. The difference would be whether the state is a hegemonic jurisdictional order, or alternatively, if it actually co-exists with an actual parallel normative order. If the former possibility were confirmed, we would be dealing with social resistance against the hegemonic order. If the latter possibility were the case, we would be dealing with the social defence of longstanding indigenous customs. These two alternatives are politically relevant, because each possibility may be taken as empirical support for each of the two conflicting reports from the Norwegian Ministry of Fisheries. If are indeed dealing with social resistance against a hegemonic order, then the Ørebech Report may be correct to claim that the process of Norwegian assimilation has eradicated the Sámi norms in the fjord. That would imply that the fisher-peasants wage a class struggle, but cannot mobilize indigenous human rights. Alternatively, if are in fact dealing with the social defence of longstanding indigenous customs, then this would indicate that the report from the Coastal Fishery Committee is correct. It argued that the Sámi way of doing things has been continuously maintained and developed, in spite of superficial subjugation under the hegemonic polity and culture. This view would not deny that the fisher-peasants are waging an ethnically heterogeneous class-struggle, but in addition, it claims that they can rightfully mobilize indigenous human rights.

11.5.2 Political anthropology in support of the Coastal Fisheries Commission

So which one of the contradictory reports from the Ministry of Fisheries should be supported? To answer this question, it is relevant that I have found samples of not only two, but three, possible forms of action. Two of the possible variants entail that the state gives its *blessing* to or *stigmatizes* some particular local customs, but the third possibility entails that the state simply *ignores* some local customs, or that the state legislators do not care about them. When I had followed the salmon flesh from the fishing location, through the quay and the laboratory, it ended up on the plate, where I observed its role in the local reciprocity system. By gradually building a guest-friend relationship (*verdde*), I gained access to data about how the local kinship- and reciprocity system works. This is a real economy, based on real goods, centred on subsistence and reciprocity. This is the social fabric of the local community. Such reciprocity systems are one of the first things that were observed

when anthropologists started to do participant observation in Sámi communities.¹⁰³¹ The actual kinship and reciprocity systems are ethnically heterogeneous, especially in Coastal Sámi areas.¹⁰³² Economic anthropologists have found similar reciprocity systems in purely “Norwegianized” communities.¹⁰³³ The various fjords along the Barents Coast have different ethnic compositions. The barter systems found in highly homogeneous Sámi communities have strong similarities with those found in highly homogeneous Norwegian ones, or in highly heterogeneous ones. This is a well-documented fact. It has led some to conclude that the reciprocity systems along the Barents Coast have nothing to do with indigenous culture, and this is one of the arguments used by the Ørebech Report. However, there are two problems with that kind of interpretation. *Firstly*, it is a fallacy when some social scientists look for definitional criteria to draw a definite distinction between Sámi and Norwegian culture.¹⁰³⁴ All experts in ethno-politics tell us that hybridity is the rule, not the exception, and consequently, that boundary-making in ethno-politics will rarely be clear-cut.¹⁰³⁵ *Secondly*, it is a fallacy that if one cannot observe a clearly defined Sámi deviance, then one has to do with a Norwegian normality. It is *ideological* to *assume* the normality of national culture, and to *assume* that the absence of clearly delimited minority culture means that we are dealing with national majority culture. This ideology is normative nationalism, which has become reified in the form of methodological nationalism, exactly the problem discussed by Bauböck as well as by Eriksen and Hoëm (see Chapter 2). If we take the history of the Barents Coast into consideration, then one must remember that the states only recently agreed on their *de jure* boundaries in these areas (between 1751 and 1945), and that the *de facto* capacity to exercise state power depended on the development of modern communication lines (approximately from the 1850s until the 1950s). Systematic over-fishing along the Barents Coast started in the 1880s,¹⁰³⁶ when tools for industrial fisheries were invented, and capital owners at more central locations could acquire these. One should also have in mind that *prior to* the time when state power was first constituted, and later consolidated, along the Barents Coast, the resources were managed by a well-organized stateless political system, the one that we now know as the *siida*-system. Bluntly speaking: The Barents Coast was the coast of Sápmi before it became the coast of Norway and Russia (and for a short period and a small area, also the coast of Finland). This is perhaps the most important argument. What came before state power was indeed not any “state of nature”, also known as a *Terra Nullius*, but on the contrary, a well-organized and territorial, though non-violent and egalitarian, stateless political system. Immigrants with various ethnicities were gradually

¹⁰³¹ Paine 1965 and Eidheim 1971, cited in (respectively) Eypórssón 2008: 44 and Eypórssón 2008: 45-6, 71, 80-85

¹⁰³² Kramvig 2005

¹⁰³³ Lien 1987

¹⁰³⁴ Ween 2012a has argued against such fallacies.

¹⁰³⁵ Eriksen 2010

¹⁰³⁶ Eypórssón 2008: 95-97 and Pedersen 2012: 72

integrated into the existing social fabric. The local kinship- and reciprocity networks accommodated persons with diverse ethnicities: Kväns, ethnic Norwegians, Finns, Eastern Sámis, Southern Sámis, Pomors, Russians, Swedes, Kurdish refugees... Immigrants with various ethnicities became integrated into the existing *siida* system, through *verdde* relations and marriage alliances. This was the actual order, not only until *de jure* state power was *constituted*, but even until *de facto* state power was *consolidated*. It is an open question to what degree the state builders ever succeeded in consolidating actual social legitimacy in Deanuvtotna. In Chapter 2, I argued that the reports from the Sámi Rights Commission imply that in Inner Sápmi, the *siida* system never fully disappeared, and consequently, the state system was never fully consolidated – at least not until the states succeed in codifying the customs they had previously attempted to criminalize. My impression is that this might be the case for Deanuvtotna as well, although Coastal Sápmi appears as superficially more assimilated into the state. I would simply suggest that *the verdde-society is the contemporary remnant of the siida-system*. When similar forms of reciprocity are found in purely Sámi, purely Norwegian and mixed communities, this should be taken as proof of the persistence of ancient Sámi customs.

There is no question that the state has succeeded in changing everyday life in Coastal Sámi areas, especially during the age of forced assimilation policies. However, this does not necessarily mean that the state builders succeeded in consolidating social legitimacy among the population. On the contrary, it may very well be the case that social legitimacy is negatively proportional with suppressive policies. It has been documented that external loyalty to the state's Lutheran ideological apparatus went hand-in-hand with alternative lay Lutheran movements that provided theological blessings to ancient traditional knowledge, which had previously been stigmatized as witchcraft by the state church.¹⁰³⁷ It might be that Bjørn Bjerkli was on the track of something similar when he argued that what had been theorized as “conflict avoidance” and “dwelling landscapes” could equally well be termed “everyday resistance” and “landscapes of resistance”. This is what he found in the fjord area called Kaavuono, Njoammelgohppi or Kåfjord. However, when I returned to the fjord I had selected, Deanuvtotna or Tanafjord, in order to look for similar practices, I found something slightly different. In situations where state laws do not care about the local customs, I see behaviour as constituting *social reproduction* of a parallel jurisdictional order. In cases when state laws and local customs appear to be in conflict, I argue that we are dealing with *social defence of an ancient jurisdictional order*, rather than social resistance against any actual hegemony. I cannot generalize about the fjord that Bjerkli studied, and I can hardly generalize about the fjord I have studied myself. However, I think the proof I have found does *indicate* that at least in Deanuvtotna,

¹⁰³⁷ Myrvoll 2011

the Ørebech Report is totally misleading.¹⁰³⁸ Thus, the samples I have found confirm what has been observed in several previous studies.¹⁰³⁹ The studies by Bjørn Bjerkli helped me to get on the track of the non-state. By applying the concept of social resistance, which he had developed by observing Kaavuono, I came across slightly different praxes in Deanuvuotna, praxes that are better termed social defence. Thus, I have proceeded further along the track of the non-state. It would now be interesting to take the concept that I developed here, and apply it to conduct further research in Kaavuona. Maybe one could proceed further along the track of the non-state there as well. My expectation is that also there, the report from the Coastal Fisheries Commission is more correct than the competing Ørebech Report. It might very well be that some Sámi political entrepreneurs have underestimated the actual ethnical pluralism of Sápmi, but this should not be mis-interpreted as evidence in favor of Norwegian nationalism. The Sámi activists pushed democratization beyond the limitations of the national democracies, while the Coastal Sámi have pushed it further beyond the limitations of the first Sámi activists. The same struggle continues with other minorities-within-the-minority, such as the Kväns, the Eastern Sámis, and the rich hybrid identities within Sápmi's *verdde* society.

11.5.3 Complex constituted orders in Deanuvuotna

When the map does not fit the terrain, the map has to be revised, not the terrain. If the map indicates something we have not observed, we can go there and check. Maybe we gain new terrain. Maybe we must revise the map. The political and social sciences are map-making, and political action is the terrain. When I ventured into the field, my path was guided by maps, both maps in the literal sense, and also maps in the sense of various scientific concepts. I selected data of relevance to the concepts, and if the data did not fit the concept, I had to change my concepts. When I changed my concepts, it led me to search for new data. This was the abductive process. Writing up the ethnography is the final stage of the research process, before it feeds back to society. This is not the first version of this text.

Eventually, I chose to structure the text around concepts from Elinor Osrom's SES framework. In the beginning of this chapter I sketched a geographical overview of Deanuvuotna as an environment, or *constituted order*, in terms of "social-ecological systems". There, I also laid out the concepts of how to observe *constituent praxes* by tracing the lines between various points of micro-interaction, in terms of "adjacent action situations". In the descriptions, I have not used the

¹⁰³⁸ Norwegian Official Report 2005 (NOU 2005:10)

¹⁰³⁹ Pedersen 2012; Norwegian Official Report 2008 (NOU 2008:5)

terms social-ecological systems, nor adjacent action-situations. However, those concepts are templates or matrices that have structured the empirical narrative. Following the circulation of salmon flesh through the local community has allowed me to trace some of the particular associations in the complex network of adjacent action situations. I have remained focused on action situations at the “operational level”: in the fishing boat, on the quay, in the lab, in the frying pan, at the dining table, and so on. Here, I have seen norms in action, and I have also been brought into contact with norms that evolve. As Ostrom points out: with regard to informal norms, there are not always any procedural distinctions between different “levels” of authority, such as operational level, collective choice level and constitutional level.¹⁰⁴⁰ The re-constitution of informal communal rules is a complex process, but it is not centralized. Deliberation about norms may take place in any kind of action situation, during everyday gossip, or through the execution of the norm-regulated practices.

This SES framework is eco- and socio-centric, not state-centric. That distinguishes it from some of the coding concepts I tried to apply, but found misleading. I had used various analytical concepts from the theory and practice of environmental movements, especially grass roots democracy. Some concepts that come from the Marxian tradition, such as hegemony-versus-resistance, turned out to be too state-centric. Some concepts inspired by the anarchist tradition, such as “sub-politics” and “anti-politics”,¹⁰⁴¹ seem even more state-centric. None of these concepts have been developed while taking account of the fact that there may exist parallel jurisdictional orders that are *more ancient* than the state. It is not clear for me, when I observe Deanuvuotna, who might be trying to “build the new society within the shell of the old”. Is it the so-called “Sámi activists” from upstream Deatnu, or is it those who try to enforce the claimed authority of the state? I have argued that in Sápmi, the state system is only one component of the actual constituted order. The reports from the Sámi Rights Commission, as well as the report from the Coastal Fisheries Commission, may indicate that legal pluralism remained the fact on the ground during the entire period when the states tried to establish *dominion* over the former *siida* system. Thus, the ways in which social movements influence state transformation may include the activities whereby they function in the co-evolution between the remnants of the *siida* system (which never fully disappeared) and the practices of the state system (which was never fully consolidated). The study of state transformation in Sápmi must take into account that the states are only one of several components of the *actual* constituted order in the area (see Figure 11.14). The states co-exist with a *verdde* society. State laws and indigenous customs are two partly overlapping systems, each of which follows its own rules, but both also adapting to each other. When nationalist state-builders

¹⁰⁴⁰ Ostrom 2005: 2005: 58-64, 290-291

¹⁰⁴¹ For the concept “sub-politics” see Beck (1993, 1996a, 1996b), while for “anti-politics” see Katsiaficas (2006).

attempted to suppress local customs in Sámi areas (while they codified similar customs in ethnically Norwegian or Finnish areas), this was one way of adapting to the actual *verdde* society. This caused much consternation in the local communities. However, it did not succeed in eradicating the *verdde* society. On the contrary, it provoked those who maintained the *verdde* society to adapt to the new conditions by developing tactics of social defence. Finally, those two systems, namely the state system and the *verdde* society, also co-exist with international norms. During the latter generation, the colonial states lost their monopoly of representation in the UN. Political entrepreneurs from the *verdde* society, together with their allies, succeeded in gaining voice in the UN. Consequently, the UN now interprets international human rights law in a way that can be seen as an attempt to regulate the complex relationship between the ancient customs inherited from the *siida* system, and the recent laws introduced by the state system.¹⁰⁴²

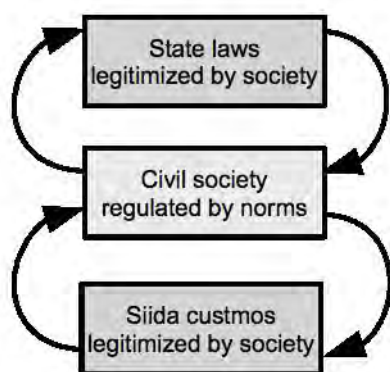


Figure 11-14: Legal pluralism in Sápmi: hybrid constituent praxes within complex constituted orders

An alternative to methodological nationalism may be to look for systems that are folded into each other, like salty ebbs of the Deatnu Fjord mix with the fresh flow of the Deatnu River. Systems that are “folded” into each other can also be called “entangled” systems or “complex” systems. For ecologists, this is nothing special. They study complex dynamic systems. Social scientists, however, have often described social systems with organic metaphors, as static, closed systems with relatively clear boundaries. Such metaphors belong to a cultural heritage from Structure-Functionalism, and ultimately from German Idealism and Social Darwinism. Empirical social systems can display a high degree of complexity, as is the case with cultural hybridity, or inter-governmental treaties.¹⁰⁴³ They can display a high degree of dynamism as well, for example conjunctures and crises.¹⁰⁴⁴ As implied above, not only are the ecological systems entangled with each other, but the social ones are also. This way of thinking and observing is in line with Elinor

¹⁰⁴² Anaya 2004: 7

¹⁰⁴³ Neuman & Sending 2010; Eriksen & Næss 2011

¹⁰⁴⁴ Eriksen 2013

Ostrom's approach to research on policy-making and norm evolution, in polycentric political environments. With her Social-Ecological Systems (SES) framework, she takes the interaction of various causal factors into account, from the physical environment to the human-made norms, and within the latter, informal customs as well as state laws. At the beginning of this chapter, I provided a brief overview of the geographical environment as a SES (11.2.4): environmental landscape geography, what Ostrom would call the "resource system", and also the humanistic landscape geography, which is part of the *informal customs* within her "governance system". Both systems are components of the SES. They co-evolve with another component of the "governance system" which is the *formal laws*. The latter includes states and inter-state politics, and it was the entire focus for traditional forms of political geography. The SES-perspective, however, has been tailored to trace how the ongoing social (re)production of the political-geographical formations is entangled with the ongoing socio-ecological (re)production of resource-geographical formations and cultural-geographical formations. Entangled ecological and social systems produce entangled political systems. Actual ecological and cultural complexities produce actual political complexity. The state formation is in *practice* no static, closed or finished system, and therefore it might co-evolve and co-exist with systems of socio-material power outside the state. The politics of socio-material power include *complex political systems*, where a polity may be folded into other normative systems. The politics of socio-material power also includes *complex socio-cultural systems*: nation-building and marginalized ethnicities are folded into each other. The politics of socio-material power even includes *complex socio-economic systems*: peripheral communities are folded into central nodes of capital accumulation or bureaucratic command. Thus, the social-ecological realities appear to include complex folding of different formations. The mix between freshwater from the river and saltwater in the sea is structurally analogous to the dynamics of complexity found in other parts of the Social-Ecological System. This is the environment in which the evolution of norms takes place.

Firstly, the practice of the local community appears to be ambiguous. The use of natural resources involves little money, so there is also a considerable presence of subsistence economy and gift economy. The use of natural resources is regulated by state-certified law and science, but also by local customs and lore. Traditional skills, lore and norms have been constantly evolving since times immemorial, and the medium for maintaining them is still the Northern Sámi language. Likewise, indigenous kinship relations and practices of reciprocity are integral to the organization of production and distribution, to practical natural resources management and to practical conflict resolution. State-certified law may or may not resonate with local custom. State-certified science may or may not resonate with local lore. It depends on the particular moment and location. Concrete ethnographic observations are presented above. Those observations may indicate that the normative

and epistemic order in the local community might actually be highly ambiguous and flexible. If there really is continuity from the ancient *siida* system, and I think legal historians have found good indicators that there actually is, then those ambiguities should be interpreted as the *de facto* legal and jurisdictional pluralism of an indigenous homeland.

Secondly, the presence of the state also appears to be ambiguous. Place names are an issue of contention within the plural political geography. Several names are used for the landscape that I here have chosen to call the Deatnu Fjord. In North Sámi the name is *Deanuvuotna*, in Norwegian it is called *Tana fjorden*. On the topographical map I am using, both names are present. The map is produced by *Statens Kartverk*, the map-making institution of the Norwegian state. The copy I am using was printed in 2010.¹⁰⁴⁵ The nomenclature that appears on the map is a result of the state's ratification of international treaties regarding indigenous rights. When this state-certified topographical map presents both the names *Tana fjorden* and *Deanuvuota*, then the map can be taken as an indicator of an ongoing redefinition of the national territory. Norway is no longer a uni-national state, after the Sámi Act, the constitutional amendment, and the Finnmark Act. What it has become instead is not clear. The early modern kingdoms of Denmark-Norway and Sweden-Finland included some guarantees for the "Lappiske Nation", or the Sámi population group, in addition to the Finnish and Norwegian population groups. Finnish and Norwegian political entrepreneurs broke out during the age of liberal nationalism, and created nation-states. That *increased* the level of popular self-rule for the Finnish and Norwegian nations, but *decreased* the rule of law for the geographically entangled "Lappiske Nation".¹⁰⁴⁶ The fall of the uninational state form coincides with increased respect for human rights. However, it also coincides with a general loss of democratic power for the national parliaments. There may be a general *decrease* in democratic power, for all citizens, though there is an *increased* rule of law, even for minorities.

Thirdly, the local community and the state appear as two co-evolving systems. My ethnographic observations indicate a contentious co-existence of local order and state order. This impression may be explained historically by having regard to recent findings in legal history and legal anthropology. Researchers informed by recent international norms on indigenous rights have sought and found documentation concerning indigenous rights in Sámi areas. Claims of the right to land and water are supported by references to continuous use, which imply the continuous reproduction of specific normative and epistemic orders.¹⁰⁴⁷ Those traits of the Sámi culture have been constantly evolving "since times immemorial", that is, since the beginning of recorded history. Lutheran witch trials and Eugenic assimilation policies may be seen as one form of co-evolution,

¹⁰⁴⁵ The state's official map of Deatnu Fjord (Statens kartverk 2010)

¹⁰⁴⁶ Jensen 2013

¹⁰⁴⁷ Norwegian Official Report 1997a (NOU 1997:4); 1997b (NOU 1997:5)

while gradual ratification and implementation of postcolonial human rights is another form of co-evolution. Each of those two forms may perhaps be represented by each of the two competing reports from the Norwegian Ministry of Fisheries.

11.5.4 Repertoires of constituent power in Deanuvuotna

When salmon flesh circulates throughout the local socio-ecosystem, it gains various functions for customary praxes and knowledge praxes. Thus, it is a tool for the making and maintenance of constituent power: the *everyday maintenance of jurisdictional complexity*, the *everyday social defence of longstanding customs*, and the *everyday social entrepreneurship aiming to transform the opportunity structure*.

Customary praxes and knowledge praxes are made and maintained in practical subsistence practices, where nature and culture interact. The reports from the Sámi Rights Commission showed that in Inner Sápmi, *longstanding customs* and *traditional knowledge* had been maintained and developed since times immemorial, regardless of whether those had been codified, criminalized, or simply forgotten by state legislators. In Chapter 2, I showed that such new proofs in legal history have informed some social science in areas where Norway and Sápmi overlap. Gro Ween has used the ANT approach to study how state-certified science interacts with traditional knowledge. Audun Sandberg has applied the SES framework in order to trace state transformation in an environment of *de facto* legal pluralism, with international norms, longstanding customs, and state laws. This differs from conventional studies of state formation. Those often take military history to be the basis of the political superstructure, and thus, the main explanatory factor. However, to study state transformation in an indigenous homeland, we must take the actual legal pluralism into account, and thus, the basis for this superstructure is not coercive force, but rather *subsistence practices*. To explain constituted power in such an environment, we need to take *socio-material customary praxes* and *socio-material knowledge praxes* into account, in addition to brute force. The mentioned ANT approach and SES framework have been developed to address the *socio-material* aspect of customs and knowledge, the interaction of cultural geography and resource geography. When we research state transformation in the Sápmi homeland, it becomes evident that subsistence practices are an explanatory factor or a basis for the superstructure, which cannot possibly be reduced to military history. My research has consisted of an *abductive* dialogue between the selection of data and the selection of concepts. The conceptual map guided my venture into the terrains of hegemony, resistance, and defence. Whenever the map did not fit the terrain, I revised the map, and with the

revised map, I returned to fieldwork in the terrain. This conversation between the empirical and the theoretical led to the emergence of a hypothetical *typology of various pathways for constituent and constituted power*. Those are shown in in Table 11.4. The *columns* refer to different forms of constituent praxes, while the *rows* refer to various forms of constituted order. The forms of constituent power are sorted in three categories (columns): the actions are either directed towards the politics of the state, the politics of the economy, or the politics of knowledge. Those three paths of constituent power roughly correspond with the three approaches that were introduced in Chapter 2: the postmodern Machiavelli, the SES framework and the ANT approach, respectively. The different constituted orders are also sorted into three categories (rows).

Table 11-4: *Typology for the paths of constituent and constituted power in particular situations.*

Columns: What constituent praxes is relevant – state (Machiavellism), economy (SES) or knowledge (ANT)?

Rows: What constituted order is relevant – mainly state, mainly siida, or mainly tension?

	<i>Politics of state (coercive force)</i>	<i>Politics of economy (customary praxes)</i>	<i>Politics of knowledge (knowledge praxes)</i>
<i>Praxes interacting with Norwegian state law (state society)</i>	Politic entrepreneurship in (inter)state institutions (inclusion or resistance)	Social entrepreneurship in regional innovation system	Social entrepreneurship in transnational epistemic community
<i>Praxes in unclear area between Norwegian law and Sámi customs</i>	Social defence by dodging state violence (not reciprocating it)	Social defence through criminalized reciprocity systems	Social defence through boycott of biologic monitoring
<i>Praxes interacting with Sámi longstanding customs (siida society)</i>	Maintaining the <i>verdde</i> society (social sanctions, not coercive force)	Maintaining longstanding customary praxes	Maintaining traditional knowledge praxes

Everyday social entrepreneurship to transform the opportunity structure: *The upper row* refers to praxes that are contained within already constituted Norwegian state laws, and that are not in conflict with longstanding Sámi customs. Those praxes also contribute to the further development of state laws. The upper left cell refers to *political entrepreneurship*, from corporatist inclusion, to syndicalist resistance. Examples are found in Chapter 10. The two upper right cells refer to various forms of *social entrepreneurship*, which take place outside the state, but are regulated by the state. Examples are found in the present chapter, in 11.3. All of these action repertoires utilize the opportunities provided by existing liberal freedoms: freedom of speech, freedom of assembly, freedom of association, and more or less free competition. With these liberal freedoms, there is, in *principle*, freedom and equality for all citizens, but in *practice* some are more equal than others. Subaltern fisher-peasants in Coastal Sápmi are among those groups who experience the consequences of structurally unequal opportunities. Such conditions are what Otnes and Bourdieu refer to with the metaphor “structural violence”. The police force of the Norwegian state guard the already constituted laws, which implies the protection of the *liberal freedoms* of

speech, assembly, association and competition, but it may at times also imply the protection of *unequal opportunities*, or structural violence. Such contradiction between liberal freedoms and unequal opportunities, in Sápmi as in many other post-colonies, is the reason why the UN found it necessary to supplement state rights and individual rights with collective human rights: the ICESCR. In those areas of Inner Sápmi where the states have recognized that an indigenous people exists, the police force is now used in a (more or less successful) attempt to protect the freedom from exploitation and the freedom from colonization. However, Coastal Sápmi is one of the areas in Sápmi where the states have not (yet) recognized that an indigenous people exists, and thus, no attempt has been undertaken to re-direct the police force from protecting structural violence, to protecting the freedom from colonization.

Everyday maintenance and development of jurisdictional complexity: *The bottom row* refers to praxes that are regulated by longstanding Sámi customs, and that are not in conflict with state law (either because state legislators have ignored the customs, or because they simply did not care). Those praxes contribute to the *continuous maintenance and development* of longstanding customs and traditional knowledge in Sápmi. That such practices exist in Inner Sápmi was documented by the Sámi Rights Commission. This process of social reproduction, as an open-ended constitutional process, is referred to by the two cells on the bottom right in Table 11.2: one cell for the social reproduction of longstanding customs, another for the social reproduction of traditional knowledge. Additionally, the Coastal Fisheries Commission documented that such praxes exist in Coastal Sápmi as well, and this interpretation is supported by some human rights lawyers, even though it is rejected by the hegemonic political class in the not-yet-decolonized state. Some selected samples of such praxes were presented in the present chapter, towards the end of section 11.3 (distribution and consumption through the development of *verdde* relations), and at the beginning of section 11.4 (distribution and consumption through a village association). All of these are examples that refer to the two cells on the bottom right. There is also a cell at the bottom left. This refers to social sanctions as a form of non-violent policing of norms, internally within the Sámi community. In close-knit communities, social sanctions can be quite effective, and are not always nice, but nevertheless, they cannot be described as a coercive force. This is a main difference between the two entangled normative systems: Norwegian state laws are sometimes policed with coercive force, while longstanding Sámi customs are always policed with social sanctions. In the continuous maintenance and development of longstanding indigenous customs, indigenous people also settle internal conflicts regarding the right to use various natural resources. Longstanding Sámi customs, like Norwegian state laws, may not always be perceived as just by every community member, but both systems are adaptive, which means that both of them can accommodate internal deliberation about the system's own norms. The *continuous maintenance and development* of the *verdde* society

is a form of transformative constituent power within Sámi jurisdiction, in an analogous way to how *political and social entrepreneurship* represent routes to transformative constituent power within Norwegian jurisdiction. (During my fieldwork in the Deatnu Water Area, I also observed that those persons who might appear as a local “chieftains” tend to be individuals who enjoy certain state-certified rights, for example prosperous reindeer owners, or net fishermen in the river. However, what is closer to the “original” *siida* economy is hunter-gathering in the *meacchi*, and those praxes are highly egalitarian.) The praxes referred to in the bottom row are not controversial. Local people give to the emperor what belongs to the emperor – and to the community what belongs to the community. However, even though those practices are not contentious, they are significant in explaining the co-evolution of state transformation on the one hand, and the maintenance and development of the *siida* / *verdde* system on the other hand.

Everyday social defence of longstanding customs: *The middle row* refers to situations that exemplify another form of mutual adaptation between Norwegian state law and longstanding Sámi customs. While the upper and bottom rows refer to situations where the two parallel orders are *not in conflict* with each other, the middle row refers to situations where there is *tension* between the two orders. One context one should have in mind is that nation-builders in Norway and Sweden codified some longstanding customs in some communities that were being defined as in-group to these two Scandinavian nations, whereas the various Sámi peoples were defined as out-group, and thus, they and their territories became subject to explicit eugenic and colonial administration. As a response to increased nationalist and statist suppression, indigenous people adapted repertoires of outward “conflict avoidance” and discrete “everyday resistance”, as Bjørn Bjerkli has observed. However I have suggested that we should rather use Gene Sharp’s term “social defence”, because of the actual presence of parallel legal orders: both Norwegian state law and longstanding Sámi customs. The middle row of Table 11.2 refers to various repertoires of social defence. The two cells to the right refer to social defence within the realms of economic activities and knowledge practices. A few selected samples were disclosed in the present chapter, in sections 11.4.2 and 11.4.3. However, the cell to the left refers to social defence that engages directly with state power. Examples of this are found in the historical case study of the Alta-dam conflict, in Chapters 6 and 7. The sit-down blockade organized by *Folkeaksjonen*, and the hunger strike of *Sameaksjonen*, were both inspired by other movements, for environmental protection or indigenous rights. However, they were also in line with Sámi political culture by refraining from answering violence with violence, but resisting anyway. During the same controversy, one independent action group failed to blow up a bridge. Whether such material sabotage is violence or social resistance depends upon the definition (or rather upon one’s political sympathies), but it is doubtless a unique example of coercive force used in an attempt to defend the Sámi normative order. (This incident, and as well as

the violent Guovdageaidnu Rebellion in 1952, are the two unique instances where Sámi have resorted to coercive means to defend themselves against institutional violence on the part of the colonial states.) The entire anti-dam movement was controversial in Sápmi, not as much because of their aims, as because of their means. Social defence is not only non-violent direct action, but it also implies a semiotic struggle for definitional power in the local community. It is not always easy to maintain the indigenous moral order whenever this is being criminalized by the powerful. The cosmological struggle between stigmatization and empowerment has gone on since the age of Lutheran witchcraft trials, and contemporary samples were discussed in the present chapter, in section 11.4.4.

What I have not traced: It could also have been academically interesting to conduct a political science study of the local Sámi kinship- and reciprocity structures, but I am not the right person to do that. As a non-Sámi Norwegian, I must be careful to avoid being instrumental for the purposes of dividing and conquering, and for this reason I am not in a position that allows me to inquire and disclose segmentary lineage within the Sámi society. Instead, however, I am in a position to inquire about the partial overlap between a state-building Norwegian nation and a stateless Sámi nation. What would have been practically interesting would have been to conduct ethnography of bureaucratic praxes. Some of the informal praxes *within* the formal praxes could have been unpacked if I had conducted participant observation in the bureaucratic lobby, similarly to the ethnographic fragment from the district court in the previous chapter. The anthropologists Marianne Lien and Gro Ween have fruitfully directed the ethnographic gaze towards modern state politics and capitalist markets in the area.¹⁰⁴⁸ Some anthropologists have found *ambiguities* by “unpacking” the official political culture in the Norwegian state.¹⁰⁴⁹ This may be paralleled with how other anthropologists have found ambiguous culture in Sápmi.¹⁰⁵⁰ There might be causal interaction between those ambiguities, in concrete situations of social action. By directing the focus of anthropological research towards the state bureaucracy, I might have revealed more ambiguities, pluralities and hybridism within bureaucratic culture, than what is conventionally expected. This is typical to Law & Sigleton’s ANT approach. It would also be in line with Ostrom’s SES framework, in particular with Keith Hart’s elaboration of bureaucracy and informality within that framework. What remains under-theorized is the cultural hybridization between tourist angling and traditional *oaggun*, exemplified in the person of my new friend Abbeddissen. Such a practice is relevant, because it invites discussion of some dichotomous divisions in the indigenous rights struggle. The reason why those data are not included is that our trajectory as fishing comrades ventured beyond

¹⁰⁴⁸ Lien 1997; Ween in prep.

¹⁰⁴⁹ Eriksen & Næss 2011; Vike 2009

¹⁰⁵⁰ Kramvig 2005; Ween 2012a

the fjord, further along the Deatnu River and its tributaries in the *meacchi*. Therefore, this is *another story*, to be told in a later work, after my ethnographies from the river and the tributaries have been written. If we studied the politics of the outfields (*meacchi*) in the highland tributaries of the Deatnu River, then cloudberry might have been as useful an indicator as salmonid fishes (freshwater trout). However, when studying the Deatnu Fjord, fisheries appear as the most important livelihood adaptation, and thus, the salmonids of the sea (wild salmon and saltwater trout) appear as the most relevant “total objects”. For the sake of simplicity, I will leave the saltwater trout to the side here, and focus on the wild salmon. Again, this is *another story* to the one I tell here.

11.5.5 Potential relevance: locally, and for other environmental justice movements

Subaltern fisher-peasants in Deanuvuotna may combine various paths to empowerment, as they also combine various livelihood adaptations. In order to survive in the Arctic climate, tradition has adopted hunting, gathering and angling; fjord fishing; river fishing; reindeer and sheep herding; barter and trade; and wage-work in modern jobs. Thus, households that do not possess much private capital could nevertheless support a sustainable economy, ecology, culture – and longstanding indigenous jurisdiction. On one side of the Deanuvuotna, I met such social entrepreneurs and political entrepreneurs. On the other side of the same fjord I gained some samples of persistent social defence of longstanding customs, a result of the regime’s denial of postcolonial human rights. However, on both sides of the fjord, I found samples of continuous maintenance and development of longstanding Sámi customs, regardless of whether the latter are codified, criminalized or simply ignored by the colonial state. As long as the kingdoms were distant trading partners, it was possible to keep them at arm’s length. This is what I have called maintenance and development of longstanding customs. It may contain its own internal entrepreneurial efforts. After the intrusive state opened up the fjords for large vessels with mobile gear, it was no longer possible for Coastal Sámi to dodge institutional violence. Thus, it was no longer sufficient to mind one’s own business. In addition, it became necessary to play according to rules set by the state. Through social entrepreneurship, local people strive to increase their life chances by acting within rules that have been codified by the state. However, with those rules, there was and still is a gap between liberal norms and structurally unequal opportunities. Consequently, local people could no longer flee from the state system, but had to turn around and confront it – by hacking into it, bypassing the government, and redefining international law. Thus, they had to become political entrepreneurs as well. The world wide postcolonial struggle led to the drafting of the ICESCR, whose purpose is to

heal the rift between liberal norms and structurally unequal opportunities.¹⁰⁵¹ However, whenever social entrepreneurship and political entrepreneurship fail, or have not yet succeeded, it may be necessary for subaltern indigenous people to defend themselves. This is where the various repertoires of social defence have been adapted. This may simply entail continuing to do things according to the customs, even though some specific political elite tries to impose new norms. However, new norms also make a mess in the local moral order. Through their ideological apparatus, the state builders are hacking into the minds of local subaltern persons. That was the case with Lutheran witch-hunts,¹⁰⁵² and that was the case with Eugenic assimilation policies as well.¹⁰⁵³ Social defence has a cosmological dimension, where local morality and the regulation of behaviour are at stake. As Elinor Ostrom has pointed out, there is even a possibility that informal and sustainable nature management systems are brought out of equilibrium by intrusive states.¹⁰⁵⁴ We could also use FIAN's term, "resource grabbing". Social defence is a struggle to maintain moral dignity, as well as a repertoire for non-violent direct action. In Deanuvuotna, political entrepreneurs even succeeded in seizing the position of Minister of Fisheries, but were confronted by capitalist and nationalist interests that forced them into a tactical retreat. Social entrepreneurs have succeeded in establishing a fish receiving facility, in spite of the economic crisis, and with support from the regional innovation system. They create new facts on the ground. This is non-violent direct action. Social entrepreneurs have also started to develop an Atlantic network for indigenous fishery science, in an attempt to compete with the political biases that exist in the existing transnational epistemic community for fishery science. Some have gathered to discuss biology and economy.¹⁰⁵⁵ Gro Ween became involved as an anthropologist. I was enrolled to serve as a political scientist. We document more facts on the ground. In the struggle for proofs and rights, science is also non-violent direct action. Both in the scientific and the economic spheres, social entrepreneurship contributes to re-constituting the already constituted patterns of power. Social and political entrepreneurship represent a struggle for capacity building (or resource mobilization) and a struggle for rights and proofs (of collective framing). The entire effort may be defined as a continuation of social defence by different means. When the non-violent social order cannot keep distance from the intrusive monopoly of violence, then one has to engage with the latter to transform it. When the state-builders hacked the local morality of the indigenous people, the indigenous people defended themselves by hacking the morality of the states. The political and social entrepreneurs in Coastal Sámi communities have taken part in the redefinition of international law. With the report from the

¹⁰⁵¹ See part 2.1.1, in particular the footnote about *decolonisation of human rights law*.

¹⁰⁵² Pollan 2007

¹⁰⁵³ Minde 2005a

¹⁰⁵⁴ Ostrom 2005

¹⁰⁵⁵ Salmon Voices webpage <http://site.uit.no/salmonvoices/> (last retrieved 22. april 2014)

Coastal Fisheries Commission they succeeded in drawing public attention to the gap between competing interpretations of international law. Thus, the nationalist state-builders lost the definitional monopoly. However, the movement has not yet succeeded in transforming the hegemonic norms within the ideological state apparatus. The people in Coastal Sápmi may or may not succeed in beginning to decolonize the state, like their kinfolk in some areas of Inner Sápmi are now doing. The special combination of external loyalty and discrete resistance, which is found in Coastal Sápmi, may be a specific livelihood adaptation in the areas where the ideological apparatus of the state is relatively more intrusive. When the Lutheran ideological apparatus disrupted the local morality, local people adapted a *lay* Lutheranism, which provided blessings to old beliefs and norms.¹⁰⁵⁶ When Eugenic racism disrupted the local morality, some people re-defined the previously derogatory labels “Mongol” or “savage” by giving them positive connotations.¹⁰⁵⁷ When the Norwegian Labor Party adopted Lenin’s principle of “democratic centralism”,¹⁰⁵⁸ local people nevertheless maintained a form of “worker’s opposition” with external loyalty to the party. It does not matter if the Supreme Being is Jupmil, Gud, the Crown, the party politburo or the UN High Commissioner for Human Rights, as long as this Supreme Being does not allow unilateral, violent, resource grabbing.

Those are some pathways of constituent and constituted power in some areas with complex constituted orders. The samples are taken from areas where the jurisdiction of Norwegian state law overlaps with the jurisdiction of longstanding Sámi customs, and as a result of the ICESCR §1, we try to transform state law so it no longer suppresses the longstanding customs of the people whose natural resources it has grabbed. One of the relatively unique features of this case is that a people became systematically suppressed by the existing states, and therefore constitutes an indigenous people in the terms of the UN definitions, yet still this people has refrained from answering violence with violence. This allows us to highlight some specific pathways of constituent and constituted power: *Firstly*, it makes visible the non-violent social defence and non-violent maintenance of longstanding customs. *Secondly*, it makes visible the unilateral institutional violence of the states, which have policed structurally unequal opportunities. Such paths may be less conspicuous in other cases, but when we have identified such processes in one case, we might re-visit other cases in order to see if we might find something similar there as well. Thus, my findings from some of the areas where Sápmi and Norway overlap may perhaps have transfer value to other areas. This may perhaps include quite different cases involving environmental justice struggles or nation-rebuilding, such as Native Americans, Siberian indigenous peoples, the Basque country, Northern

¹⁰⁵⁶ Myrvoll 2011

¹⁰⁵⁷ Jensen 2013; Jernsletten 1999

¹⁰⁵⁸ Bye 1997: 47-8

Ireland, or Cossack Ukraine.

11.6.0 Positive and negative findings from Case II

11.6.1 Negative findings: some possible errors in Case II

When zooming into the *fjord* as a specific sub-system within the Deatnu Water Area, I also actualize one of the most heated debates regarding indigenous human rights in Sápmi: the movement for recognition of the Coastal Sápmi. *Data selection* is no straightforward task in the ethnically heterogeneous Barents Coast region.

Regarding sea salmon fisheries in Deanuvuotna, the selected sub-case within Case II, my research indicates a number of issues that we remain collectively ignorant about. *Firstly*, some ecological questions posed by fjord fishers remain under-researched, and it is perhaps possible for fishery scientists to be a little too pragmatic with standards of reliability when this is not being policed by influential interest groups. *Second*, some old theories in history and anthropology were falsified several decades ago, but are still being misused by state agencies that are against indigenous rights. Those are issues where we can apply the main mechanism that will be observed regarding the sub-case: in some cases “resources decide”, also regarding research agendas and scientific standards (see 11.6.2 below)..

When science itself is a means of contention, it is no straightforward task to suggest issues for further research. Every suggestion is bound to be contentious, and this relates to profound political struggles. The conflicts include class struggle between industrial fisheries and local fisher-peasants, and additionally, several ethnic minorities-witin-the-minority. With such profound asymmetries of power, we have no guarantee that progress in research will serve progress in democratization. What issues are too sensitive? Everyday forms of peasant resistance may be too sensitive, but also sensitive, and in a manner that makes it more difficult to access, are informal ties among elites, especially when such ties are not quite legal. Who owns the information? Corporations buy themselves patents, while international norms on indigenous self-determination state that the local knowledge of indigenous peoples belongs to the local communities themselves. For example, if one publicizes traditional lore on good fishing locations, one might facilitate resource grabbing. Who funds or commissions the research? Whose question is being investigated? Whose is the authority to monitor the reliability of scientific methods?

It is no secret that my research aims at obtaining reliable evidence of relevance for the

policies and strategies of the environmental justice movements, including the indigenous human rights movement. I will try to estimate the residuals in the sub-case within Case II by trying to observe the limits of my own observations, and the limits of the research to which I am attempting to contribute. However, when suggesting issues for further research, I will also suggest how such research should be organized; whose questions and whose information it should deal with. In estimating the residuals, I identify six issues (a-f) that remain under-researched in the sub-case. Consequently, I will suggest six issues (a-f) for further research.

Estimating the residuals regarding Deanuvtotna fisheries: Several issues remain under-researched in the sub-case within my Case II (Chapters 10 and 11). Some such residuals I can observe in the previously published research on relevant topics. Other such residuals I can observe in my own particular contribution to this research, in spite of my own deliberate effort to overcome biases.

a) The sub-case describes *some repertoires of entrepreneurship and resistance*, in the political, economic and semiotic domains, *but* it does *not address* how *widespread* these action repertoires are, neither in Deanuvtotna, nor in the Deatnu and Alta water areas, nor, indeed, beyond. The usual way to test the internal validity of ethnographies regarding any defined “community” is to replicate the fieldwork within the same bounded “community”. As with all fieldwork, ethnographic or biological, my *selection* of information was partly arbitrary, and partly problem-driven. The definition of system boundaries was equally so. Additionally, it is misleading to see social-scientific explanations in isolation from their actual interdependency with their natural environment. I am not the most knowledgeable ethnographer on the Deatnu and Deanuvtotna areas. It is up to further research, by myself or by more competent colleagues, to further test or develop the mechanisms I have suggested.

b) The sub-case addresses ambiguous adaptations of Sámi culture to state culture, *but* the study does *not address* the symmetrical issue: How are “state praxes” such as administrative procedure or policing, done in heterogeneous ways, developing *ambiguous adaptations of the state* to indigenous political culture? Norwegian folklorists and ethnologists have taken an interest in the heterogeneities of nation-building ever since the age when these disciplines themselves contributed to that project. The anthropological CULCOM project revisited Norwegian nation building, and discovered actual *cultural complexities*, both past and present. Similarly, the political scientists Neumann and Sending have discovered some actual *political complexities*.¹⁰⁵⁹ Neumann even succeeded in gaining access to do ethnographic fieldwork among diplomats.¹⁰⁶⁰ More particular empirical research on the micro level might perhaps reveal that the “host” states are no less

¹⁰⁵⁹ Neumann & Sending 2010

¹⁰⁶⁰ Neumann 2008

heterogeneous than the indigenous political culture in Sápmi. When I attended conflict mediation training in Deatnu in 2007, local youngsters complained that the new sheriff (*lensmann*) did not know local customs, and that he therefore policed the law on snowmobile traffic (*motorferdselsloven*) in the wrong way. Similarly, the local sheriff during the Alta-dam conflict may have shown great sensitivity to actual legal pluralism when he was accused of being too hesitant to take action against civil disobedients. Those examples illustrate how actual political complexity may manifest itself (or be performed) in particular action situations. Maybe the everyday choices of local sheriffs (*lensmenn*) can be one particularly fruitful topic of investigation for legal and political anthropology.

c) The sub-case addresses struggles to define hegemony and set the agenda within the “host” state, *but* the study does *not trace* such *political struggles* within the *indigenous kinship- and affinity network*, where internal political struggles might also take place. I have suggested that when the literature has proven the *continuous existence* of legal pluralism and jurisdictional pluralism¹⁰⁶¹ and when political anthropologists no longer assume that systems are closed,¹⁰⁶² then the implication is that there exists a form of actual political complexity between the not-quite-consolidated state system, and the not-quite-extinguished *siida* system. I have suggested some possible stochastic mechanisms, whereby the more ancient order is being maintained through ambiguous adaptations, but I have not attempted to investigate internal struggles to define hegemonies or set agendas within internal politics of the *verdde* society. Such political science on Sámi political culture could easily backfire, because the information would be misused by the more powerful party in asymmetrical conflicts. Evans-Pritchard studied the famous Semitic tribal norm “my brothers and me against my cousin, my cousin and me against the foreigners”,¹⁰⁶³ but Gellner, observing daily life in Kabylia, suggested that actual practice may be better described as “the stranger and I against the whole lot of my horse-thieving relatives”.¹⁰⁶⁴ This is all the more urgent when “the stranger” is an *ethnographer* funded by a *colonial state*, and this is the very context that Evans-Pritchard defined away. One may wonder if what he called “segmentary lineages” actually reflects what the stranger *observes* when *participating* in a process of *divide et impera*. I, as an observer, belong to a state-building nation, without also belonging to the stateless nation that was subjugated to its internal colonization. Therefore, I am not in the appropriate position in relation to the Sámi society that might have allowed me to make inquiries concerning contentious internal affairs, without doing harm. If any political science at all should be undertaken on the internal hegemonic struggles in the *verdde* society, I think the research should be commissioned by

¹⁰⁶¹ Pedersen 2012

¹⁰⁶² Nustad & Krohn-Hansen 2005

¹⁰⁶³ Evans-Pritchard 1940

¹⁰⁶⁴ Gellner 1969, cited in Geertz 1971

indigenous interest organizations and funded by supranational institutions. What I assessed that I could do, without doing harm, and also have done, was to apply Elinor Ostrom's tool box: investigating how people may be "working together" (rather than when they are in conflict), within polycentric governance settings (rather than nationalist host states).

d) The sub-case includes an attempt at "triangulation" between Deanuvuotna and Kåfjord, *but* there is no attempt at *comparison* between a positive and a negative case of Coastal Sámi revival. I refrained from comparing Deanuvuotna with Alta Fjord, where Sámi people find themselves on each side of the Stjernøya case. Here I reproduce the same limitation as the "canonical" historical research on the Coastal Sámi revival. Pedersen and Eipórssón both study "positive cases" where this particular revival did occur. However, to develop the strategies and policies of this reform movement, it may also be useful to compare with "negative cases", where the Coastal Sámi cause has not – thus far – won broad support. I suggest that the indigenous human rights movement should reclaim the research on cultural heterogeneity. Strangely, some state agencies use the proof of cultural heterogeneity as an argument against the indigenous rights movement – as if cultural *heterogeneity* supported the myth about a *homogeneous* citizenry under the state formation. Historically, it was Norwegian nationalism that established *monoculturalist* utopian policies, in spite of actual cultural *pluralism*.¹⁰⁶⁵ Thus, so-called "cultural essentialism" was not established by the Sámi activists, but on the contrary, they started the effort to overcome Norwegian essentialism. Perhaps an appropriate continuation could be if the organic intellectuals of the Coastal Sámi cause can develop the mechanisms whereby they might *converge* with the mobilization for Kvän rights, and *avoid* that the latter will have to ally with anti-Sámi Norwegian or Finnish nationalists.

e) The sub-case follows Sámi economic and political entrepreneurs, *but it remains ignorant* of the situation for the *Kväs in Deanuvuotna*. Some claim that they should be regarded as descendants of colonial settlers in Sápmi; others argue that they belong to the indigenous peoples of Sápmi. The historical research on that issue remains scarce, so the ignorance in my study merely reproduces collective ignorance. I have also been incapable of tracing the history of another kin group who clearly are the descendants of subaltern settlers: people in Tverrdalen on the Alta Fjord, who migrated from Østerdalen in Southern Norway.¹⁰⁶⁶ If we apply the perspective of postcolonial and subaltern history, it would be interesting to find out if the latter group had been subjugated to some sort of internal colonization in Østerdalen, like the Kväs in Kvänland.

f) The sub-case addresses the practical context of scientific research, through a close dialogue with anthropology (Gro Ween) and a more distanced dialogue with biology (Kjell-Magne

¹⁰⁶⁵ Jensen 2013

¹⁰⁶⁶ Horgen & Norddølum 1978, a fieldwork report published by Norwegian Ministry of the Environment (1978a)

Johnsen), *but* it would be *beyond the limits of my competence* to contribute to the knowledge about *fishery biology*, what Elinor Ostrom would call the “resource system” within Deanuvuotna and Deatnu, as two partly entangled SESs. I can merely study its political-economic context, and indicate how different options for biological researchers may be relevant for different policy agendas. Nevertheless, my sub-case indicates that the establishment of such an epistemic community might be crucial in order to enable a further increase in the reliability and validity of biological monitoring in the Deanuvuotna and Deatnu. The potential of a transnational epistemic community for indigenous fisheries may imply the potential for increased reliability and validity of fishery biology in Deanuvuotna and Deatnu. Experience shows that reliability and validity were already increased when the Finnish Ministry of Forestry contested the estimates provided by the Norwegian Ministry of the Environment. The latter ministry had relied on catch statistics, but inter-governmental diplomacy led to the establishment of a biological field research station in Utsjoki.¹⁰⁶⁷ The cause in that case was competition between two state governments, and what each of those accepts as its own “national” common interest. Similarly, my Chapter 9 has shown that the reliability of biodiversity monitoring is further increased as a result of the EU Commission having been involved, through the EU-WFD. The reason for this has to do with the relative independence of EU institutions from Norwegian and Finnish national economic interests. Thus, relative progress has been made towards a *decrease in collective ignorance* with regard to the biology of a *common fish resource*. However, the research hypotheses proposed by subaltern interest organizations remain under-researched. The local fishers are even more eager than the Finnish government to question the reliability of catch statistics as an indicator of the size of the fish stock. Local fishermen are not lying when they say that fishermen always lie about the size of catch – that question always is a trade secret. The local fishermen observe that seals in Deanuvuotna eat lots of salmon when those are swimming into the Deatnu River. They claim that there is a correlation between years with many seals and fewer salmons. Environmentalists see seals as cute, and the issue remains under-researched. The local fishermen also ask for estimates regarding the salmon catch in the deep sea. Many locals suspect that most of the stock is caught by international trawlers as well as large Norwegian and Russian vessels. However, the life and death of migrating Deatnu salmon remains under-researched. Such questions would be of urgent relevance for the newly developed environmental policy of the Norwegian and Finnish Sámi parliaments. The policy is based on the Biodiversity Convention of the UN, combined with indigenous rights in ICESCR and ILO 169. Thus, for international norms, the bio-scientific research agenda pursued by the Sámi parliaments is no less relevant than those pursued by the state governments or the EU. However, in

¹⁰⁶⁷ Ween in prep.

the international negotiations concerning the Deatnu fishery management, the two Sámi parliaments cannot constitute an autonomous bloc, because they are bound to be loyal to each of the state-appointed negotiating commissions. Therefore, it is likely that fishery biology in Deanuvuotna and Deatnu will remain ignorant of certain biological issues, until the emerging transnational epistemic community for indigenous fisheries gains the political weight to counter particular nation-state interests, and thus, open up for further development of reliability and validity.

Suggestions for further research regarding the Deanuvuotna fisheries: Following my discussion of biases at the end of sub-case 3, the four following research agendas were suggested:

a) Further ethnographic research on Deatnu and Deanuvuotna, by myself or by colleagues who have more experience with this particular area, could either *falsify* the mechanisms and action repertoires I have suggested, or further *specify* their formulation. Replication of field study is the usual way to test the internal validity of ethnographic fieldwork, since all fieldwork, both ethnographic and biological, must rely on arbitrary observation, complex causality, and problem-driven system boundaries.

b) *Political anthropology of the host state* would be relevant, especially if uncovering the actual political and cultural complexity within the process of state formation and nation-building. It was probably a bad idea to quell the funds to folklorists and ethnologists after they were no longer instrumental to nation-building. They can be publicly useful for the ongoing rebuilding of the nation as well. The macro-research undertaken by Thomas Hylland Eriksen and Iver B. Neumann should be translated into more microsociological studies on particular action situations, for example on the everyday choices of local sheriffs (*lensmenn*) who serve Sámi communities.

c) *Political science on local verdde politics* may or may not be relevant. The application of the SES and IAD frameworks might be useful for all implicated parties, in order to investigate how people solve commemorative action problems in particular action situations within polycentric governance environments. More problematic are studies of internal conflicts to define hegemony and set agendas within *verdde* politics. Because «segmentary lineages» may be what the stranger *observes* when *participating* in «divide et impera», such research is likely to be instrumentalised by host states during asymmetrical political conflicts with the objects of study. Perhaps the safest way to research political conflicts within the non-state in Sápmi would be if the research were *funded* by supranational institutions and commissioned by the Nordic Sámiráddi, maybe in collaboration with the Norwegian Kvæn association.

d) Research on Deanuvuotna, and other “positive cases” of the Coastal Sámi rebellion might be compared with Kåfjord, and other “negative cases”, where the indigenous revival took other forms, or did not take place at all. Thus, the movement for indigenous human rights may identify some possible mechanisms that may lead local subalterns to be recruited to the cause or alienated

from it. Such knowledge could be useful for developing policies and strategies for *convergence* and *joint resistance*, between various subaltern kinship groups along the Barents Coast, and attracting hearts and minds from the anti-Sámi reaction among Norwegian and Finnish nationalists, and for the purposes of bolstering bolster against the possibility of neocolonial *divide et impera*.

e) Research on Deanuvuotna and Alta Fjord could potentially gain from applying the approach of postcolonial and subaltern history to investigating kin groups that, rightfully or not, are being framed as descendants of colonial settlers. More research is needed on incoming migration from Kvänland, and how that relates to the history of internal colonization in Kvänland and Deanuvuotna. The same question could be researched regarding the descendants of Eastern Samis who were forced to seek refuge in Northern Sámi lands. It is a contentious question whether Kväns should be considered as one of the “indigenous» peoples of Sápmi”. (That means, belonging to the area previous to the establishment of the state power under which they would be marginalized.) This question remains under-researched. More research is also needed on the Norwegian settlers in Tverrdalen in Alta Fjord, who probably originated from subaltern peasant-workers in Østerdalen. For indigenous peoples in the Americas, the poorest settler communities may potentially be allies, or may potentially be recruited to do the dirty jobs for land grabbers. More empirical knowledge about non-indigenous subaltern settlers in Sápmi may be useful to develop strategies and policies for *joint resistance* and to bolster communities against *divide et impera*.

f) For bio-scientific monitoring in Deanuvuotna and Deatnu to gain further reliability and validity, and in order to manage the common fisheries resources in accordance with international norms, it would probably be necessary to establish a strong transnational epistemic community for indigenous fishery research. Thus, the two Sámi parliaments could potentially succeed in setting the research agenda regarding certain under-researched issues, and to demand further quality proofing of certain indicators, the reliability of which remains contested. That would be similar to how the diplomatic deliberation between the Norwegian and Finnish ministries, as well as the third-party monitoring from the EU Commission regarding the EU-WFD, have contributed to increased reliability and conceptual validity in environmental monitoring systems. By negotiating between various vested interests, each with its own research interest, one might obtain knowledge about the various research questions of importance for sustainable management of the common natural resources. In the absence of politically autonomous environmental science, biases may be decreased when further interest groups empower themselves to set the research agenda, and to sanction slack application of scientific norms. The potential transnational epistemic community for indigenous fishery science, similarly to the emergence of NASCO, may be a further contribution to overcoming the bias of perceived “national interests” in environmental science, monitoring and management. Therefore, the potential transnational epistemic community for indigenous fishery science, like the

NASCO before it, would enable further development of reliability and conceptual validity within the environmental sciences.

11.6.2 Positive findings: two meso-mechanisms, one macro-mechanism

Case II has been divided into three chapters. Only now, at the end of the third and last of these, will suggest some hypothetical explanatory mechanisms. I have let the reader wait through three chapters, but now as many as *three* hypothetical mechanisms will be suggested.

(1) *One mechanism* I call “arguments matter, but resources decide”, or in short, simply, “resources decide”. This describes all the experiences with political and social entrepreneurship, observed throughout Chapters 10 and 11. This is a mechanism at the level of micro-meso links, and it is complimentary with the earlier observed meso-mechanisms: “the struggle to define present hegemony” (Chapter 6) and “the struggle for future agenda-setting” (Chapter 7). They all deal with network twinning aimed at broadening the scope of action. However, the mechanism “resources decide” also includes small business entrepreneurship, something I did not address with the two other mentioned meso-mechanism.

(2) *Another mechanism* I call “ambiguous adaptations”. This also is a mechanism at the level of micro-meso links. However, this time, the focus is not on state politics, nor is it on the regional innovation networks, nor the transnational epistemic communities that are regulated by state laws. Instead it addresses the complexities, ambiguities and even tensions that may be found in the *de facto* legal pluralism in areas where Sápmi and Norway overlap. Local longstanding customs and traditional knowledge sometimes may be codified, criminalized, or simply ignored by state laws.

(3) *The third mechanism* is called “maintaining parallel order”. This mechanism is tightly related to the previously mentioned mechanism, “ambiguous adaptations”, but now the focus turns from micro-meso links to meso-macro formations. “Maintaining parallel order” is a macro-mechanism, and as such, it is complimentary to the mechanism that was suggested in the geographical overview, “ecological adaptation of state”. Thus, the present chapter ends the empirical part by revising the general explanation that was provided at the beginning of the empirical part (Chapter 5).

1) Resources decide: Case II, zooming in on fjord fisheries in Deanudat, also exemplifies an instance of a pathway similar to those traced in Case I and the geographical bridge. The previously observed meso-mechanisms both refer to potentially constituent collective actions aimed at changing the constituted opportunity structure: “the struggle to define present hegemony” (Chapter

6) and “the struggle for future agenda-setting” (Chapter 7). Such efforts have also been observed in Case II, both in the form of political entrepreneurship (Chapter 10) and social entrepreneurship (Chapter 11). However, in Case II there are not yet any examples of the “success stories” that were observed in Case I and in the geographical bridge. In Deanuvuotna, a fjord in Coastal Sápmi, political and social entrepreneurs have indeed mobilized resources and frames, and combined those in clever ways. However, the hegemonic political class within the state formation still denies that indigenous human rights are relevant in Coastal Sápmi. In Case II, my argument has been that such rights do in fact apply to Deanuvuotna, and probably to other areas in Coastal Sápmi as well. I have claimed that sufficient proof exists, with the report from the Coastal Fisheries Commission, as well as other research. My own political science, political sociology and political anthropology provide only add a few more facts to the already solid collection of proofs. This is how I have described the state of the art in the Coastal Sámi struggle for rights and proofs. I have argued that sufficient rights and proofs have indeed been mobilized, but that they are still being denied by the state. Therefore, it appears that rights and proofs are not sufficient. The preliminary outcome of the conflict has not been decided by truth, and not by right, but simply by the power of capital. Arguments matter, but resources decide.

Table 11-5: *One meso-mechanism observed in Chapter 11.*

<i>Resources decide (meso mechanism, Case II)</i>
i. failure to shape policy, confront myths, police scientific reliability, when competing with big biz
ii. divergent technical and strategic framings among fishery organizations (big vs small business)
iii. unequal capacity to counter benefits of less costing monitoring system (big vs small business)

Path i): Political and social entrepreneurs in Deanuvuotna are mobilizing resources and framings, building issue networks and innovation networks. They have been twinning those networks through cooperative action with peers in other fjords. They have twinned their networks with some of the already constituted policy networks and economic networks within the corporatist state. All these are processes similar to what I observed in Case I and in the geographical bridge. Similarly to those examples, Case II also shows a struggle “to define the present hegemony” and “for future agenda-setting”, with regard to policy making as well as scientific inquiry. However, in addition, Case II also made inquiries regarding similar processes in (constituent) small business entrepreneurship, embedded in (constituted) regional innovation clusters. Coastal Sámi mobilize resources and frames to change their stakes under three “modern” institutions: bureaucratic states, epistemic sciences, and capitalist markets. Even though they have mobilized scientific proof, they

have (thus far) failed to confront the state's politically biased research priorities and its continued use of colonial myths. Even though they have mobilized collective human rights (namely, the ICCPRI and the CESCER), they have (thus far) failed to garner acceptance for those in state law. Even though they have pooled enough financial and political capital to build a fish receiving facility for locally based fishers in the fjord, they have (thus far) failed to compete with corporate industrial fisheries, which grab local resources with mobile gear, and enjoy direct access to law makers in the Russian and Norwegian political entities. Those three failures are tightly intertwined. The case study indicates that anthropological proof is being ignored when it is in conflict with certain influential economic interests. It also indicates that bio-scientific monitoring practices lack scientific autonomy from the same influential economic interests, while the subaltern economic interests have not yet been capable of funding their own bio-scientific expertise. Finally, and as a consequence of the two mentioned observations, the ruling policy makers in the state transformation deny (the fact) that local longstanding customs count according to the ICCPR/ICESCR, and they similarly deny (the fact) that local traditional knowledge counts according to the UN Biodiversity Convention. *Summa summarum*, the official stance of the state is still that Coastal Sámi culture in Coastal Sápmi disappeared during the period of forced assimilation. Thus, the state continues to silence and suppress the actual indigenous culture in Coastal Sápmi. This case study suggests that successful mobilization of rights and proofs is not sufficient, when the indigenous struggle has to confront corporate private capitalists who have succeeded in defining their particularistic individual profit as beneficial for GDP, and thus, for the particularistic national(ist) interest of the state. In this case, the indigenous rights struggle confronts persistent colonial resource grabbing, and thus, successful mobilization of rights and proofs has not been sufficient. The power of epistemic truth and human rights is (thus far) beaten by the power of corporate capital (i).

Path ii): Since the struggle for scientific reliability and against cultural myths is so central to this process, it is obviously relevant to regard the function of *the collectively unknown*, explanans 2. First, regarding the causal interaction between Explanans 1 (the socio-ecological environment), and Explanans 2 (the collectively unknown), there is an obvious discrepancy between the various descriptions of reality presented by the competing fishery interest organizations. This, in part, may be explained as a series of rhetorical priorities, concerning what realities are strategic to emphasize. However, the same differences may also, in part, be explained by the *different technical and ecological specificities of fjord fisheries*, coastal fisheries and trawler capitalism, leading to *different empirical experiences of practical reality*, and thus, to the evolution of *different forms of local knowledge and ignorance* (ii).

Path iii): Regarding the impact of the collectively unknown (Explanans 2), on state-certified sciences (Explanandum), we also find divergent forms of knowledge and ignorance, but this does

not mean that all competing truths are equally true. Regarding cultural knowledge, the ministries that are politically opposed to indigenous rights for the coastal population continue to select social scientists that have no training in anthropology or history, and who continue to use some specific cultural “theories” that all cultural sciences consider as falsified, and therefore as myths. Regarding biological knowledge, one must rely on indicators, because it is impossible to know everything about an ecosystem, and therefore, there is a trade-off between cost and benefit regarding how much data to gather. Some fisheries organizations have the capacity to give state agencies a hard time if those organizations see that agencies are relaxing the reliability of monitoring with regard to causal links that the interest organizations see as relevant. The national organization for industrial fisheries has a large degree of influence. The national organization for sports anglers also has much influence. Finnish and Russian national agencies further the interests of particular interest organizations in inter-state negotiations. Least influential are the interest organizations for small-scale fjord and coast fisheries, and also, for Coastal Sámi indigenous human rights. Those are the organizations that have not succeeded in policing the reliability of bio-scientific monitoring, and that have not succeeded in confronting the persistent use of already falsified cultural “theories” (iii).

In sum, the whole process so far appears to have been decided by *resources*. Capital is the main asset of the national interest organization for industrial fisheries. The financial profit of corporate industrial fisheries is in direct conflict with the subaltern and sustainable local fjord-fisheries. However, sports angling poses no threat to industrial fisheries. Additionally, social status and cultural ties are the main assets of the Norwegian national angler’s association. Nature conservationists and sports anglers have succeeded in establishing a limited space for themselves within state policy, as long as they refrain from confronting their real adversary: industrial fisheries, as well as the oil and gas industry. On the Finnish side, the sports anglers’ association organizes more subaltern interests from all over the Finnish territory. They compete and cooperate with the Norwegian sports anglers’ association. On the Russian side, the industrial fisheries are equally well established as on the Norwegian side. They compete with Norwegian industrial fisheries. Among the local Sámi population in Deatnu, several of the small-scale traditional fisheries have gained some recognition by states. The traditional form of angling, *oaggun*, has gained recognition via the Finnmark Act. Traditional net fishing in the river was accommodated (or co-opted) already over a century ago, while the traditional tourist industry, mainly attracting angling tourists, has been accommodated (or co-opted) by Finnish district politics. There are many conflicts that remain unresolved in the Deatnu water area, but the Coastal Sámi fjord fisheries appear to me as being the most marginalized of all the marginalized subaltern interests. In the competition to define the actual hegemony, and the competition for future agenda setting, the most dominant fisheries are the corporate industrial fisheries in Norway and Russia, which combine the power of money (financial

capital) with the power of lobbying (political capital). The second most influential category seem to be the national angling organizations in Norway and Finland, which actually represent quite different socio-economic interests (the one more bourgeois, the other more subaltern), but both organizations enjoy relatively good access to the lobby (political capital) and some symbolic prestige in official nation-building (cultural capital). As long as the Finnish and Norwegian angling interests refrain from confronting the Russian and Norwegian industrial fisheries, they may dominate over more subaltern interests. Thus, they constitute a political bloc against traditional small-scale and Sámi fisheries. While the traditional small-scale and Sámi fisheries have successfully mobilized rights and proofs, this has not been sufficient to challenge the political bloc. Thus far, the process has not been decided by the power of the better argument, but by a coalition of resourceful actors. The most important resource seems to be financial capital, with political capital as second, and cultural capital as the third most important resource. When the outcome of the process (so far) has been determined by resources rather than argument, then it resembles Rokkan's much-cited phrase "votes count, but resources decide". In this case I have not studied voting, but other forms of democratic participation, through political and social entrepreneurship. Deliberative democracy is not entirely powerless, just as voting is not entirely powerless: Arguments matter, but resources decide.

Table 11-6: Another meso-mechanism observed in Chapter 11

<i>Ambiguous adaptations (meso mechanism, Cases I and II)</i>
i. ambiguous adaptations of local customs and lore to state-codified law and science
ii. divergent practical realities with different socio-material locations (in bureaucracy, landscape)
iii. divergent research & teaching priorities within disciplines (bio indicators, hist syllabus)

2) Ambiguous adaptations: Case I, the geographical bridge, and Case II included some empirical data that were difficult to analyse and interpret. It was hard to find coding categories that fitted in order to describe the observations (etic terms), without leaving a feeling that I somehow disrespected the self-understanding among local people (emic terms).

At the end of Chapter 6, I discussed this issue under "positive findings", but without drawing any conclusions. I came onto the track of the non-state when I realized that ethnographic research from the Alta-dam watershed during the time of the dam conflict indicated the presence of what I called a "local human ecology", a well-integrated system, which was defended against an intrusive state. This fitted badly with the Post-Marxist concepts I tried to use to make sense of the struggle for definitional power. Laclau and Mouffe, as well as Deleuze and Guattari, all refer to

realities where the capitalist state is seen as an old and well-established order, while labor organizing practices are seen as a potential parallel power. However, in upstream parts of the Alta-Kautokeino River, the state is the more recent system, while the human ecology of reindeer husbandry is the older one. These empirical observations would make more sense theoretically when I got to know Elinor Ostrom's Social-Ecological Systems (SES) framework.

One constant thread through Chapter 11 has been the question of how to categorize some selected samples of local practices where there appears to be some degree of contradiction between state norms on the one hand, and local longstanding customs and traditional knowledge on the other. What puzzled me was that local people appeared to understand their own actions as *conformist* even when they did not conform to state norms (emic terms). When I tried to describe samples of such actions, I mobilized terms I had learned from my own trajectory through political science and practice, such as “non-violent direct action” or “anti-politics” (etic terms).¹⁰⁶⁸ However, such a representation of the others became ethically questionable for me, because of the gap between the ethnographer's terminology of radicalism and the fisher-peasant's terminology of conformism. I had to avoid projecting my own radical agenda onto the intentions of those whose voices I tried to represent. In any event, I have stumbled upon very few samples of behaviour where there is evident tension between state norms and local norms. In most situations I observed, there appeared to be a general agreement about whatever actions are actually allowed, forbidden, or obligatory. In other situations I observed practices that are regulated by local customs, but which state legislators ignore or do not care about. This is the case for some local subsistence practices and reciprocity systems, which might be the contemporary remnants of the ancient *siida* system. However, in a few situations I had stumbled upon samples of behaviour that appeared to be in tension with state norms, while still being understood as conformist actions in their local context of local customs and lore. I suggested that there are two slightly different ways to interpret such praxes. One option is to use James Scott's term “everyday forms of peasant resistance”, something suggested by the anthropologist Bjørn Bjerkli. Another option is to use Gene Sharp's term “social resistance”. I suggested that the choice of term should depend on how we accept to describe the practical normative context, the *de facto* constituted legal order. The Norwegian Ministry of Fisheries has published two conflicting reports on this matter: the Ørebech Report, which found indigenous culture to have disappeared in Coastal Sápmi, and the report from the Coastal Fisheries Commission, which claimed that indigenous customs and lore had been continuously maintained and developed “behind closed doors”, so to speak. If the *former* report is less misleading, then it implies that the *de facto* constituted legal order only consists of state law. However, if the *latter*

¹⁰⁶⁸ Graeber 2009; Katsiaficas 2006

report is less misleading, then it indicates that the *de facto* constitutional order is in fact pluralistic, even whenever this is being denied by the (colonial) state. If the *former* is the case, then we might observe “everyday forms of peasant resistance” against a hegemonic capitalist state, drawing an analogy to what James Scott observed in *Lowland* Southeast Asia. However, if, instead, the *latter* is the case, then we might rather observe “social defence”, similarly to the social reproduction of a parallel social order that James Scott found in *Highland* Southeast Asia. Coastal Sápmi is the lowland, Inner Sápmi is the highland, but it may still be possible that *de facto* legal pluralism might have been continuously maintained and developed as a consequence of social defence.

In many action situations, both norm systems prescribe the same action. *In some action situations*, actors may be confronted with the dilemma of being lawful either *vis-à-vis* the state law or *vis-à-vis* local customs. Since I have come across few samples of actual situations of normative ambiguity, I will resort to theory when explaining the mechanism. Useful theoretical tools are offered by the reports from the Sámi Rights Commission: Its perspective is rather social-ecological. Therefore, we may talk about a mechanism of *ambiguous adaptations*, in the co-evolution between the practices of the indigenous non-state and the practices of the host state. What regards this co-evolution most directly, is the *environmentally situated* adaptation of local customs and lore to state-codified laws and science. Since vital culture is seldom static, there is always some degree of adaptation or learning going on, within the reproduction of traditional customs and lore. The environmental situation includes state policies, such as accommodation or suppression, but also a host of other variables.

Path i): In some environments, it may have been functional for the bearers of local culture to accept state norms, maybe even trying to leave the indigenous culture behind. In other environments, it may have been functional to ignore state norms, and just go on as before. In some environments, it may even have been a survival strategy to resist the attempted criminalization of ancient customs or lore, by maintaining and developing those discretely, serving a function that Gene Sharp would call “social defence”. Such a variety of environmental conditions may cause ambiguous adaptations to the host state (i).

This process not only involves customs and norms, but also science and lore. Those paths I will explain as I did with regard to the mechanism called “the struggle for agenda-setting”.

Path ii): Between Explanans 1 and Explanans 2, one may find divergent practical realities, according to the socio-material location in bureaucratic nodes or in operational situations (ii).

Path iii): Between Explanans 2 and Explanandum, one may find divergent priorities for scientific research, as well as for school syllabi, that may contribute to the accumulation of knowledge regarding some issues, but may maintain ignorance regarding others (iii).

In those particular environmental situations where ambiguous adaptations may function as

“social defence”, it may sometimes be a functional survival strategy to keep the action discreet, away from public eyes. That is often the case with “everyday forms of peasant resistance”, and the maintenance of autonomous stateless societies.¹⁰⁶⁹ However, if the attempt to consolidate a colonizing state becomes intrusive enough, it may be more functional to go public, and to let the resistance become known. For good or bad, this thesis contributes to the latter.

Table 11-7: A macro-mechanism observed in Chapter 11

<i>Maintaining parallel order (macro mechanism)</i>
i. parallel order (re)produced, collective learning of lore & norms in local traditional subsistence
ii. divergent (or bridged) practical experiences in up- and downstream areas
iii. parallel systems of local knowledge (metis) in relation to scientific knowledge (episteme)

3) *Maintaining parallel order* is a mechanism at the macro level. It refers to the ways in which the indigenous people of Sápmi “preserve and develop its own language, culture and way of life”. This definition uses the words of paragraph 110a in the Norwegian constitution, which was added with a constitutional amendment in 1988, and which prescribes that that the host state is responsible for creating the conditions for such practices.¹⁰⁷⁰ I prefer to use the wider term “indigenous people of Sápmi” rather than “the Sámi” because we cannot yet know what the struggle for rights and proofs amongst Kväns and Lappalainen might lead to. Nevertheless, I have chosen to describe the second macro-mechanism on the basis of paragraph 110a of the constitution of the Norwegian state. This is because it is necessary to be clear that this parallel order is not illegal. The paragraph also uses the precise expression “preserve and develop”, which indicates that vital culture is not static, but is consists of various customs that are continuously maintained in changing environments, and therefore also continuously adapted to the changes in the environment. The right to indigenous culture is not only a right to be backward looking, but also a *right to self-determined socio-economic development*.

In sum, the macro-mechanism “maintaining parallel order” functions in a way that is rather similar to the macro-mechanism “the progressive or ecological adaptation of the state”: Both mechanisms refer to processes of socio-ecological emergence. Thus, just as I sketched a general macro-mechanism for the transformation of the state (Explanandum), I also sketch a general mechanism for the reproduction of the non-state, another historical-geographical formation within the wider socio-ecological environment (Explanans 1).

¹⁰⁶⁹ Scott 1985, 2006

¹⁰⁷⁰ Norwegian Parliament 2013 (For the Norwegian Constitution in English, see: <http://www.stortinget.no/en/In-English/About-the-Storting/The-Constitution/The-Constitution/> last retrieved 3. May 2014. This has now been revised, 28. May 2014.)

However, with regard to the reproduction of the non-state, unlike the transformation of the state, I do not have data that allow me to trace more particular processes. Chapters 6-11 can all be seen as an effort to unpack and *specify* some of the many particular causal pathways (at micro-meso level) that were *generalized* away in Chapter 5, where I black-boxed the “ecological adaptation of state” (at macro level). This is a study of state transformation. Therefore I do not go into detail regarding the continuous maintenance and development of Sápmi culture. However, in order to get a realistic explanation of state transformation in areas where Norway and Sápmi overlap, we should not ignore the actual co-evolution between the two systems, the *de facto* legal pluralism since times immemorial. Still, if I do not unpack the “maintenance of parallel order”, like I did with the “ecological adaptation of the state”, how can we know the inner workings of the former macro mechanism? The findings of the Sámi Rights Commission indicate that the traditional cultural praxes of Sápmi are being maintained and developed through subsistence practices, involving not only the population of each locality in Sápmi, but also the natural resources of those localities.¹⁰⁷¹ The natural resources of Sápmi constitute “the natural basis of the Sámi culture”. This is *one* component of indigenous territorial rights, but *another* component of that right is that *explicitly racist* policies to the Sámi¹⁰⁷² and *explicitly colonialist* administration of Sápmi¹⁰⁷³ *produced* a clear boundary between Scandinavian and Sámi culture, through systematic ethnic discrimination in public, combined with systematic social defence in private.¹⁰⁷⁴ Such gaps between actual ethnic discrimination and claimed universal rights for each citizen are the reason why collective human rights were seen as as a necessary specification of international human rights law. The ICCPR/ICESCR prescribe freedom from colonial resource grabbing and freedom from racist discrimination. The Norwegian Sámi Rights Commission publicized new proofs regarding the legal history of Inner Sápmi. When longstanding customs and traditional knowledge have been continuously maintained and developed, regardless of whether these have been codified, criminalized or ignored by the states, then this implies a *continuous* situation of *de facto* legal pluralism, regardless of state builders having *attempted* to claim a *de jure* unity of jurisprudence. In some areas and periods, the pluralism has been a friction-less coexistence. In other areas and periods, the *explicitly racist* and *explicitly colonialist* policies from ethnocentric state builders have produced everyday social resistance, or rather *everyday social defence* among the suppressed ethnic group. I think we have rather certain historical and anthropological knowledge about such processes being at play in upstream Deatnu, which is in Inner Sápmi. However, I also think that there are strong indications that similar processes have taken place in downstream Deatnu, which is located

¹⁰⁷¹ NOU 1997: 4

¹⁰⁷² Skorgen 2002

¹⁰⁷³ Pedersen 1999

¹⁰⁷⁴ Jensen 2013

in Coastal Sápmi. The conflicting interpretations regarding this area are brought into relief by the two conflicting reports published by the Norwegian Ministry of Fisheries. If the report from the Coastal Fisheries Commission is the more correct (or less misleading) of the two, then this implies that there has always been a *de facto* situation of legal pluralism in Coastal Sápmi, similar to the situation in Inner Sápmi. However, if, instead, the Ørebech Report is the more correct (or less misleading) of the two, then this means that the indigenous culture in Coastal Sápmi has been so totally suppressed that it does not exist anymore. That would imply that the state is the one and only *de facto* source of laws in Coastal Sápmi. There are two reasons why I believe that the Ørebech Report is the *less correct* and the Coastal Fisheries Commission's report the *less misleading* of the two. *The first reason* is that many ethnographers, including myself, have observed the continuous presence of a subsistence and reciprocity economy that remains *invisible* for the monetarist indicators used in fisheries research, *but* which clearly reproduces patterns that have been observed in the old *verdde*- and kinship network, and before that, in the ancient *siida* system. When such practices are found in thoroughly "Norwegianized" communities, such as Båtsfjord, then it should be logical to take it as a proof of the persistence of Sámi cultural praxes. Those are the practices that are regulated according to the longstanding customs and traditional knowledge in Sápmi, but remain ignored by, and free from, intrusive state laws. *The other reason* why I think we should reject the Ørebech Report is that newer studies of political anthropology suggest that phenomena that anthropologists knew as "conflict avoidance" and "dwelling landscapes", at the social front stage, should be better understood as "everyday resistance" and "landscapes of resistance", if we turn to the social back stage.¹⁰⁷⁵ My own humble contribution is to *push further* in the turn from economic anthropology to political anthropology, a turn which was started by Bjerkli. Thus I suggest that the contemporary, ethnically mixed *verdde* society is the remnant of the ancient, also ethnically mixed, *siida* system. Consequently, I suggest that what Bjerkli called "everyday resistance" might actually be even better described with the term "social defence", and what he called "landscapes of resistance" might in fact be even more precisely described as "terrains of non-violent defence". The *siida* system never fully disappeared, while the state system never was fully consolidated. They both co-evolved, within a *de facto* pluralistic constituted legal order.

Path i): With the selected causal model, I have set out to explain state transformation. Thus, the purpose of the study is not to explain the maintenance of Sámi customary laws. Therefore, *state transformation* is Explanandum. However, the continuous maintenance of Sámi customary law is one of the components within Explanans 1. This also fits with my use of the SES framework. Explanandum equals *formal rules* within the governance system within a social-ecological system.

¹⁰⁷⁵ Bjerkeli 2000; Bjerkeli 2010; Ingold 1986; Ingold 1995; Paine 1969

Explanans 1 equals all other parts of the social-ecological system, everything that appears as “environment” when the formal rules are being defined as a “system”. This environment includes the *entire resource system*, but also the *informal rules* of the *actual governance system*. “Informal rules” is a wide category, encompassing everything from customary international law, to constitutional practices in the state, to lobbying and corruption, to longstanding customs amongst peasants in Norwegian cultural core areas, to the indigenous customary laws in areas where Norway and Sápmi overlap. The latter is clearly part of the contemporary remnants of the ancient *siida* system. However, customs in an apparently totally “Norwegianized” village, such as Båtsfjord may also be defined within the contemporary remnants of the ancient *siida* system. The internal dynamics of the *siida* system / *verdde* society is a story that I have not inquired about here. However, it is one complex dynamic system within Explanans 1, and thus, it has an indirect impact on Explanandum, state transformation. The state is a complex dynamic system that co-evolves with various other complex dynamic systems, and one of those systems is indigenous customary law in Sápmi. In some particular areas and periods, the two systems have been brought into resonance. In some other particular areas and periods, explicitly racist and explicitly colonialist state politics produced a response in the form of covert or open social defence, and terrains of non-violent defence. Strictly speaking, those were not terrains of hegemony and resistance, but terrains of colonisation and defence. This is because the state system was never fully consolidated, while the *siida* system never fully disappeared. The main effect on Explanandum is the continuous existence of a parallel order, which is older than the state, which is (re)produced in relative autonomy from the state, and where norms are policed and defended with social sanctions, not by coercive force. The *siida* system that never fully disappeared is continuously maintained and developed through collective learning of local lore and norms during traditional subsistence practices and practices of reciprocity (i).

Path iii): There is an even more indirect influence from Explanans 1 on Explanandum, via Explanans 2, collective ignorance. The parallel order in Sápmi has never been totally ignored by state-certified sciences, even though the knowledge disciplines have changed. State-certified scientists are not always capable of observing local practical realities, nor of identifying what research questions or analytical terms might be relevant in a local context. For me, it has been a challenge to analyse historical and ethnographic data, because academic coding categories (etic terms) may skew local practical realities (emic terms). I have also heard fishers along the Deatnu River and Fjord complain that fishery biologists lack data about questions that concern local fishers, such as: How much of the local salmon stock is caught by local seals or by trawlers in the ocean? It is not easy for science to address the limits of its own capacity. With fancy academic terms, we may say that what remains unknown to *épisteme* (scientific knowledge) may differ from what is

unknown to *métis* (local knowledge), and thus, science may ignore practical realities that are addressed by local lore (iii).

Path ii): That is not to say that local lore necessarily has to be less ignorant than science. Indeed the anthropological reports I read for the Alta-dam case study indicate that during that conflict, the practical reality among fishers in the Alta fjord may have differed strongly from the practical reality among reindeer owners in upstream areas. Thus, different local environments may imply different practical realities, and divergent local lores (ii).

Those two pathways of ignorance (iii and ii) do interact. With the Sámi Rights Commission, state-certified *épisteme* became less ignorant of the *métis* among Sámi at the plateau, but it is open for discussion if they have become any more receptive of the *métis* and practical realities in downstream areas, in Coastal Sápmi.

In sum, the mechanism called “maintaining parallel order” explains paths i, ii and iii in a way which indicates a continuous *co-evolution* between state-certified nature management, my Explanandum, and a parallel indigenous human ecology, one component of my Explanans 1. The macro-mechanism “maintenance of parallel order” indicates that, in territories where Sápmi and Norway overlap, the earlier observed macro-mechanism “the progressive adaptation of the state” *co-evolves* with *indigenous customary law*, in a *de facto* situation of legal pluralism. The explicitly racist and colonialist policies of nationalist nation-builders never succeeded in destroying indigenous customary law, but only in provoking social resistance, and in institutionalizing a socio-cultural boundary between Scandinavian and Sámi, colonizing nations and colonized indigenous peoples. The social-ecological perspective used by the Sámi Rights Commission and the Coastal Fisheries Commission has affinities with the SES framework coined by Elinor Ostrom. SES scholars address institutional change as “organizational learning” on multiple spatial and temporal scales, within pluricentric social-ecological systems.¹⁰⁷⁶ Explanandum, state transformation, is one complex dynamic system within the wider social-ecological system. Explanandum consists of *formal rules*, but that is only one component of *actual* governance of natural resources. It co-evolves with resource systems, which may be best explained in terms of evolutionary ecology. It also co-evolves with various systems of *informal rules* in the *actual* governance of natural resources. One such informal rule system consists of indigenous law and indigenous lore in Sápmi. This, and other systems of informal rules, may be best explained in terms of social (re)production, also called cultural learning, the kind of process that has been theorized by Giddens and Bourdieu. Each of the particular meso-mechanisms that were identified in this research may be seen as ways of specifying the co-evolution between Norwegian state transformation and Sámi indigenous law.

¹⁰⁷⁶ McGinnis & Ostrom 2012

One form of social defence is found in “ambiguous adaptations”. This is a defensive form of social defence. It appears to me that evasion of state power has been a preferred tactic in Sámi political culture, as also in Mahgreb or Zomia.¹⁰⁷⁷ Another form of social defence is found in the “struggle to define the actual hegemonic norms” for policy and research in the state, the “struggle to set the agenda for future policy and research” in the state, also in cases when “arguments matter, but resources decide”. All these mechanisms describe what happens when issue nets aspire for constituent power within the already constituted state. Active engagement with state politics is a relatively recent component in Sámi political culture. It appears to me that modern infrastructure development, such as the Alta-dam, led to consolidation of the presence of the state in Sápmi. Thus, it was no longer possible to flee from the colonial power, and instead it became necessary to turn around and to engage with it. Sámi political entrepreneurs were the sons and daughters of shamanistic *noaidi*, and their offensive form of social defence was to fundamentally transform the states that had colonized them.

Legal and ethical afterthought: Gaining access to observe these dilemma situations is no straightforward task, and that is perfectly legitimate. The dominant political class still deny the existence of indigenous human rights in Coastal Sápmi, but the monopoly of definitional power within the public sphere has been unsettled after the Norwegian Ministry of Fisheries itself publicized two contradictory reports on this issue. One may disagree with my argument that the report from the Coastal Fisheries Commission is more correct (or less misleading) than the Ørebech Report. In any case, however, one cannot contest that local fisher-peasants may be likely to act in good faith if they assume that indigenous human rights actually do apply in Deanuvuotna, just as fisheries bureaucrats are likely to act in good faith if they assume that only state law exists in Coastal Sápmi. In Coastal Sápmi, there has not even been any attempt to sort out whatever contradiction there might be between ethnocentric Norwegian state law and longstanding Sámi customs. This in contrast to Inner Sápmi, where at least some territories experience such an attempt with an ongoing political experiment, the Finnmark Act. In my view, it would be virtuous for the scientific researcher to be careful with moral judgements of individuals. At the same time I do have the conviction that indigenous human rights actually do apply in Deanuvuotna, and possibly in other parts of Coastal Sápmi too, even though this is denied by the hegemonic political class in the state. Consequently, I also believe that both fishing quotas and local knowledge, rights and proofs, belong to the local population. In fact I consider that my own data are the copyright of the local fjord-fishers, who have shared their fish and data with me.

¹⁰⁷⁷ Scott 2009: 30

12.0.0 OBSERVED EXPLANATIONS: THE SOCIAL-ECOLOGY VIEW

12.1.0 Chapter introduction

Throughout the empirical chapters 5-11, an attempt has been made to record some possible observational biases, and some possible explanatory mechanisms. Those were called negative and positive findings, respectively.

Negative findings, or recordings of possible observational biases, have been pursued as an equivalent to the estimation of measurement error in quantitative methods. In this chapter I will briefly recapitulate the observed observational biases, under the label “unobserved facts”. However, I will combine this recapitulation with a critical discussion of possible biases in my selected coding categories, which I label “unexplained observations”. This is meant as an equivalent to what quantitative causal analysts do when they engage in critical theoretical discussions about the conceptual validity of their causal model. In sum, the negative findings will then include problems of reliability as well as problems of conceptual validity, which are two different ways of addressing the “residual” of potentially relevant causal factors that have been ignored in any aetiology, either in the form of quantitative causal analysis or qualitative process tracing.

Positive findings, or observations of possible explanatory mechanisms, have comprised of a pursuit of *empirically grounded* explanations of ongoing state transformation across four decades, within two water areas on the Arctic fringe of Europe. The explanations are supposed to be “grounded” in two ways. *First*, by choosing a specifically *geographical* approach, where systems or structures are understood as formations of empirical, material phenomena distributed in empirical, material terrains. *Second*, by searching for *mechanisms*, understood as precise descriptions of particular causal chains, which might have potential transfer value for precise description of other particular causal chains as well. In this chapter I will recapitulate each of the possible explanatory mechanisms that were suggested throughout the empirical Chapters 5-11.

The final critical assessment of the findings will not be undertaken within the present chapter, but will have to wait until Chapter 14. In the meantime, Chapter 13 will be spent on discussing alternative empirical explanations, which have been found within another, parallel research tradition. Through my participatory, abductive research strategy, I gradually came to realize that there were parallel traditions of empirical research regarding state transformation in areas where Norway and Sápmi overlap. The major tradition is affiliated with human rights policies,

and I have operated within that tradition. The minor tradition appears to be affiliated with public security policies. Those traditions were discussed in Chapter 3, as the two rival theories: one is close to Elinor Ostrom's "new theory", the other is closer to the "old theory" that she associates with Hobbes and Hardin.¹⁰⁷⁸ In Chapter 13, I will address findings from the minor tradition, close to the "old theory". In the present chapter, I will summarize my own empirical findings, which have been discovered by operating within the major tradition, close to the "new theory".

12.1.1 The general causal model

This is an empirical study of one *particular* process of state transformation in the High North. However, the purpose is to identify some possible causal patterns that might potentially have a more general transfer value. The *purpose* of tracing those causal paths is not only descriptive (as in political history), but also theoretical (as in political science). The general causal model is applied *not only* to trace some or the *particular* causal chains within one *particular* process of state transformation.¹⁰⁷⁹ *Additionally*, the purpose is to suggest some possible *explanatory mechanisms* of *hypothetical transfer value* to other case as well.¹⁰⁸⁰ The search for possible explanatory mechanisms has been guided by the assumption of a very general causal model:

Explanandum: State transformation is the phenomenon I aim to explain; what we call explanandum. The explanandum is not state transformation in general or abstract terms, but one concrete process of state transformation, as it has taken place over the past four decades (1970-2012) within two selected watersheds (Alta and Deatnu) on the Arctic periphery of Europe. The study identifies some of the particular causal chains that have fed into the ongoing process of state transformation within the selected period and area.

Explanans: In order to explain this phenomenon, I will place a focus on some selected explanatory factors (which implies that I focus away from other possible explanatory factors). Selected explanatory factors are what we call *explanans*. The main focus is on the *struggle for rights and proofs*, the pathways of prefigurative satyagraha and prefigurative enlightenment. Those are labelled *Explanans 1* and *Explanans 2*, respectively. However, in order to control for the potential bias of wishful thinking, I will also have a look at the (mis)use of coercive force, the pathway of prefigurative war-of-position. Thus, an *Explanans 3* will also be taken into account.

All casual models are heuristic devices, simplifications of the complex practical reality. The model takes into account those explanatory factors that are being defined as relevant, But exactly

¹⁰⁷⁸ Ostrom, Walker & Gardner 1992

¹⁰⁷⁹ Carr 1987 (1961)

¹⁰⁸⁰ Hedström & Ylikoski 2010

what factors are relevant or not is open for discussion. The choice depends on problem formulation, theoretical and empirical interest, and ultimately upon practical/technical purposes. As the epidemiologists say it: the actual “web of causation” is immense.¹⁰⁸¹ Therefore, we can safely assume that any chosen causal model remains ignorant of *residual explanatory factors* that exist in practical reality. Explanans N is my generic label for residuals.

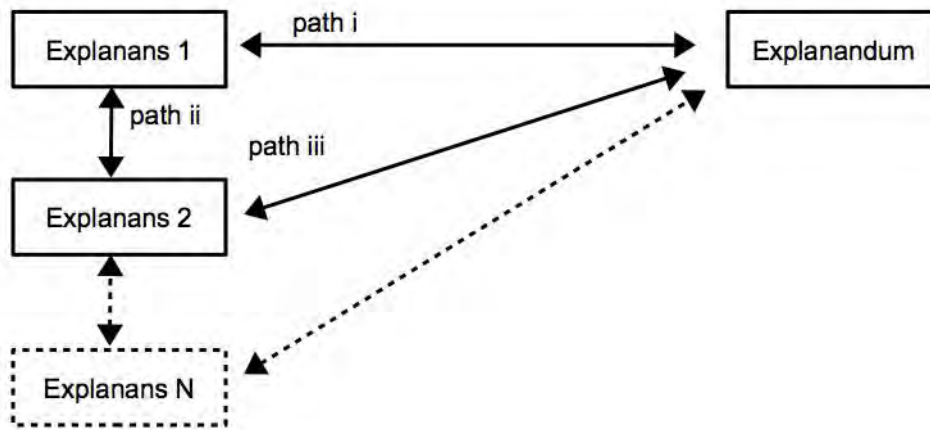


Figure 12-1: The general causal model, made to be specified empirically (Fig. 4-2)

The explanandum might appear slightly different, depending on what explanatory factor is being highlighted. If we zoom in on coercive force or military history as an explanatory factor, then we gain information mostly about the *state formation as a monopoly of violence*. If, instead, we zoom in on customary praxes and knowledge praxes, we primarily gain information about the *state formation as a body of codified law*, and as a *body of certified knowledge*. All three may be components of a body politic, and it may be reductionist to simply assume that any one of these three components or processes is more decisive than the other two. I reject the assumption that a state formation is primarily a system of coercive force. That is what Elinor Ostrom called the “old theory” about how common pool problems are sorted out.¹⁰⁸² However, I also reject the assumption that it does not matter at all. This is in line with Ostrom's “new theory” on how common pool problems are overcome, because she does not pretend to possess any panacea.¹⁰⁸³

12.1.2 Multi-scalar explanations

Political and social sciences operate at various analytical levels. The most particular level may be individual choices or face-to-face interaction, depending on one’s preferred explanatory conceptual

¹⁰⁸¹ Krieger 1994

¹⁰⁸² Ostrom, Walker & Gardner 1992

¹⁰⁸³ *ibidem*; Ostrom & Cox 2010

framework. However, we also trace the formation of practice networks at the sociological meso level. Finally, we map how such networks may constitute historical-geographical formations at a macro level.

Methodologists in another multi-scalar science, namely physiology, have suggested that explanatory mechanisms can be identified at various levels (e.g. nerve signals at electron level, chemical transmitters at molecular level, and biological processes at cell level).¹⁰⁸⁴ Social scientists also operate at multiple levels: one research project may identify causal processes at one level, by black-boxing processes at another.¹⁰⁸⁵ There is not necessarily any inconsistency in this. Some philosophers of science, such as Niels Bohr, suggest that physical, chemical, biological and sociological explanations can sometimes be *complementary*, and that it may be impossible to reduce the one to the other.¹⁰⁸⁶ *Multi-scalar explanations* are perfectly legitimate, *but only if we are careful about specifying what kind of entities we are dealing with.*¹⁰⁸⁷ Some suggest that each and every mechanisms should be specified according to the *activity* of that mechanism, the *entity* conducting the activity, the *function* of the entity for the process, the *start-condition* or input, and the *end-condition* or output of each mechanism.¹⁰⁸⁸

For each of the possible mechanisms observed in this study, I have identified *start-conditions* and *end-conditions* in the form of empirical descriptions. Evidence is provided in the empirical chapters of this study. This is an *inductive moment*.

The *entities* conducting the process and the *activities* they produce have been identified in the choice of coding categories. The common denominator is that all the applied categories have been chosen to identify *actual practice networks* in various forms. Practice networks, as they *unfold* through various *locations* in space and time, *constitute* particular *configurations* with some geographical density and scope, some historical density and duration. The search for coding categories can be seen as a *deductive moment*.

The *function* of each mechanism has been identified by formulating how each of the

¹⁰⁸⁴ Machamer, Darden and Craver 2000

¹⁰⁸⁵ Mahoney 2003

¹⁰⁸⁶ Bohr 1938 argues that biological processes, when compared to physical processes, possess some emergent properties that cannot be reduced to the physical level, and similarly, that sociological processes, when compared to biological processes, possess emergent properties that cannot be reduced to biological properties. However, whether or not socio-ecological systems also possess emergent characteristics, is a question that Bohr did not ask.

¹⁰⁸⁷ In the present study, I have sought to dissect the historical-geographical macro formations into some of their constituent socio-material practice networks, in accordance with the theory of bounded rationality (Ostrom 2005; McAdam 2011a; Coleman 1990) as well as the concept of the actor-network (Latour 2004; Law & Singleton 2012), and the postmodern Machiavelli (Althusser 1998, Althusser 2003, Deleuze-Guattari 1980: Chpt. XII-XIII). See parts 4.3.7 and 12.3.4 for further elaboration. This way of approaching sociological macro phenomena constitutes a break with the "funding fathers" of sociology. When I studied sociology in the 1990s, my teachers discussed whether or not we find examples of "ecological fallacy" in Durkheim's and Weber's classical works of suicide and protestant ethics, respectively. My impression is that these organic intellectuals of the World War I could take for granted a shared assumption with their readership: that the notion of national or sectarian *Volksgeist* is no metaphor, but an actual phenomenon. In contemporary time one can hardly assume any such consensus.

¹⁰⁸⁸ Machamer, Darden and Craver 2000

mechanisms operate. This is the sum of the inductive and the deductive moment: the *abduction* or hypothesis-development. For each of the mechanisms I have observed in the empirical chapters, the function of the mechanism has been defined according to how it operates at each of the three pathways i, ii and iii in the general explanatory model. Thus, the suggested function of each mechanism is specified as in Table.

Table 12-1 (4-1): standardised mould for describing the effect of each of the mechanisms observed

Name of mechanism (macro, meso or micro level)
i. effect on two-way causal link between Explanans 1 and the Explanandum
ii. effect on two-way link between Explanans 1 and Explanans 2 (causal interaction between explanatory factors)
iii. effect on two-way link between Explanans 2 and the Explanandum

The identification of possible mechanisms (abduction) implies the application of *theoretical concepts* in order to explain *empirical data*, exactly like quantitative causal analysis¹⁰⁸⁹ and historiographical explanations.¹⁰⁹⁰ In James Mahoney's terms,¹⁰⁹¹ causal mechanisms are informed by specific meta-theoretical approaches. As with causal analysis and historiography, there is no guarantee whatsoever that the applied causal model includes all variables that would have been relevant. Spurious effects belong to aetiology like the limits of knowledge do to knowledge.

Therefore, the identification of mechanisms not only opens up some black boxes at one analytical level, but also closes some black boxes at a more particular analytical level. Consequently, I must disagree with Mahoney that “the black box problem” is resolved when one chooses a theoretical approach. Instead, explicit awareness of the limitations of meta-theories (together with explicit awareness of the holes in the data) can be used to make rough estimates of the limitations of the knowledge.¹⁰⁹²

¹⁰⁸⁹ Hellevik 1991

¹⁰⁹⁰ Carr 1987 (1961)

¹⁰⁹¹ Mahoney 2000

¹⁰⁹² This argument can be related to the state of the art in social movement research. In my opinion, a flaw with the modern classic *Dynamics of Contention* (Tilly, Tarrow & McAdam 2001) is that it suggests a research program for causal mechanisms, without discussing the role of theory to formulate propositions about mechanisms. In my opinion, this shows insufficient awareness to the dialogue between conjectures and refutations (Popper 2002 (1963), and consequently, the problem is not that this is a positivistic work, but that it lazily assumes an *outdated* form of positivism. This critique is harder to raise against the recent volume *Spaces of Contention* (Nicholls, Miller & Beaumont 2013), because it provides an honest attempt to assess the correct usage of theory (Miller 2013). (However, regarding the latter volume, some other critical issues have been raised in the journal *Antipode*. See Halvorsen 2013.)

12.2.0 Negative findings: some residual biases

12.2.1 Negative findings from abductive research

Ideographic, abductive research has challenges and limitations that are different from those met by nomothetical, hypothetical-deductive methods. The constant iteration between the empirical and the theoretical makes the choice of explanatory models more flexible, and more adaptable to changing pragmatical needs. However, this constant dialogue also implies specific limitations to data and concepts.

Now, I will go through two forms of residual bias: unobserved facts and unexplained observations. The issue of *unobserved facts* is an *empirical problem*. This has been discussed in detail throughout the empirical chapters, and below I will offer a brief recapitulation of some of the main observations.

Thereafter, I will proceed to the issue of *unexplained observations*. This is a *conceptual problem*. In this regard, I will present some of the problems I have encountered in my attempt to find coding concepts that make sense with the actual data.

Finally, I will sum up both the unobserved facts and unexplained observations, to discuss what this may imply regarding the ongoing attempt to decolonize political science and practice.

12.2.2 Tentative observation of the residual of unobserved facts

Data selection in ideographic research may seldom be based on probabilistic sampling, and thus, it is impossible to conduct statistical estimations of measurement error. While the historian or ethnographer may discuss the reliability of particular sources of information, the ultimate test of internal validity is its replicability. Their suggested explanations may be falsified or adjusted by colleagues, or competitors, who research the same archives or the same locality. Historiography and ethnography are collective, cumulative efforts. New research builds upon and further develops old research. However, while information may accumulate with regard to some issues, there is also a path dependency with regard to what issues remain under-researched. Thus, collective ignorance is institutionalized in the discipline, while every research project provides one particular contribution to a slight decrease in *collective ignorance*. This is what I have tried to estimate as the “residual of unobserved facts”. In my attempt to observe my own observational errors, I have not been interested in looking for every possible form of ignorance. I have been particularly interested in observing possible reproduction of some ideological biases of special relevance to the ongoing decolonization of political science and practice. One particular observation of my own research is of

special relevance: that is my failure to overcome the biases inherited from colonial social science. One is the bias of naturalized Norwegian nationalism, which silences that the Nordic states in fact still co-exist with another spatial order, sometimes referred to as Sápmi. Another is the bias of multicultural neoliberalism, which silences the persistent presence of real class conflicts. The two biases are closely linked. *Collective ignorance* about the experiences of working people and indigenous people may not have been reproduced on purpose, but it has been *functional* in justifying *resource grabbing*: colonization in the past, absent decolonization in the present. Those are the issues of interest for postcolonial and subaltern studies.

Regarding Case I, the aim is to estimate what remains under-researched, not only in my own research project, but also in what I call the “canonical” historiographical and ethnographical research. With regard to Case I, the canonical knowledge is the accumulated historical research on the Alta-dam conflict.¹⁰⁹³ My own historical study (Chapter 6) contributes to a slight decrease of our collective ignorance regarding the *social* historical component of the Alta-dam conflict. However, this is not sufficient to overcome an inherent bias in the historiography of the Alta-dam conflict: the tendency to exclude explanatory factors that are exogenous to the nation-state formation that was hegemonic in the Alta-Kautokeino watershed. At the end of Chapter 7, several under-researched issues are identified. There, I discuss how the research has remained within the type of limitation that Bauböck has characterised as “methodological nationalism and statism”.¹⁰⁹⁴ However, when discussing this bias in the existing historiography, I also tried to assess how my own contribution has failed to overcome those same limitations. Thus, I suggested several topics for further research (end of Chapter 7).

Regarding Case II, the attempt has been to estimate the limits of my own research, and in particular, how I have *not succeeded* in my effort to break out of the limitations inherited from Norwegian methodological nationalism and methodological statism. This theme is also the constant thread throughout the discussion about unobserved facts. At the end of the first part of Case II (Chapter 9), I discuss several residual biases regarding my attempt to break with nationalist biases, and instead, to trace the emergence of bio-regional management within its actual bio-regional context. After that chapter, Case II zooms in on the downstream areas within the Deatnu water area, dealing with small-scale fisheries and indigenous rights in one of the fjords of Coastal Sápmi. Here I build on the canonical research in history and anthropology about the Coastal Sámi awakening and the Coastal Fisheries Commission.¹⁰⁹⁵ In this research, the impact of Norwegian methodological nationalism is more subtle. This is something I already addressed in Chapter 2. There is high degree

¹⁰⁹³ Dalland 1994; Hjorthol 2006

¹⁰⁹⁴ Bauböck 2008; Eriksen and Hoëm 1999

¹⁰⁹⁵ Eipósson 2008; Pedersen 2012; Bjerkli 2000; Bjerkli 2010; Kramvig 2005; Pedersen and Høgmo 2012

of cultural and ethnic heterogeneity in Deaunuvuotna as well as along other parts of the Barents Coast. Some observers use this fact as a proof against indigenous rights, but I argued that they ignore the new proof about the actual colonial history of the area. In Chapter 11, this issue returns, especially in the end, when I discuss the issue of residual bias in the general literature as well as in my own research. Many issues remain under-researched in the area, and at the end of Chapter 11, some priorities for further research are suggested. Nevertheless, I argue, the burden of proof has to be reversed. As the retired syndical leader Yngve Hågensen wrote in his comment to Olav Gunnar Ballo: it is not the indigenous rights activists that introduced racial discrimination in the region, but on the contrary, the nationalist state builders that the indigenous people rebelled against.¹⁰⁹⁶ Therefore, the rich ethnic plurality of Coastal Sápmi is a proof in favour of indigenous human rights, not the opposite.

12.2.3 Tentative discussion of the residual of unexplained observations

For abductive research, or *hypothesis development*, the explanatory model is not provided at the beginning, but is produced at the end. On the one hand, the map (theory) is revised whenever it does not fit the terrain (observations). On the other hand, the gradual exploration of the terrain (observation) is guided by the preliminary map (theory). Therefore, the abductive researcher keeps the discussion open about what models to choose and why. This is in contrast to hypothetic-deductive research, or *hypotrthesis testing*, for whom the choice of theory is takes place *before* and *outside* the scientific research itself. This metatheoretical moment is an integral part of the research process for the abductive scientist. The researcher does not pick theories on an open market, but makes choices that are limited by access to literature, educational background, and *public relevance*, and that is always open for discussion. This I have tried to address in terms of “residual of unexplained observations”. Through the abductive process, theoretical concepts are *continuously applied* to observations, but at the same time, are also *continuously revised* to fit the observed reality. Categories are applied during *data gathering* as guiding tools to select bits of data that might potentially have theoretical relevance. They are applied during *analysis* and *synthesis* as tools for sorting and coding of data, and comparisons of segments of data across each coding category. However, during this process, the researcher may find that the theoretical concepts do not fit well with the actual data. Some theoretical concepts may be added or subtracted before returning to the field, in order to gather new data, with new guiding concepts. In my research, I have undertaken several iterations, between data gathering and academia. My historical research has proceeded

¹⁰⁹⁶ Hågensen 2007

through iterations between *archival research* on primary sources, and *library searches* for relevant secondary sources. For my ethnographic research, there have been iterations between *participant observation* in the field and *observant participation* in the academy. Throughout the research process, two gaps between theory and data have become increasingly evident.

(a) *One* gap between theory and data comes from the discrepancy between the *assumed practices of power* in the theories of political science, and the *observed practices of power* in the actual local human ecologies in the Alta and Deatnu watersheds, in the past and in the present. The observations were material *traces* (index) of a practical reality that the observer had been ignorant of, a parallel world hidden from my perceptive apparatus. Observation put me on the *track* (index) of the indigenous non-state. I will return to this discovery below.

(b) *Another* gap between theory and data has been the discrepancy between two parallel, but separate, bodies of accumulated empirical knowledge regarding the chosen cases. The mainstream research tradition, to which my own empirical research contributes, has maintained its principal focus on local customs and lores, embedded in local human ecologies. This research has been enabled by the Sámi Rights Commission, which was appointed by the Norwegian political entity. The side-stream has been more interested in coercive force and state security. This research is based on access to the archives of the secret police in the Norwegian political entity. My entire research project belongs to the mainstream tradition, but I have mobilized resources from the side-tradition in my theoretical discussion, in an attempt to control for the possible bias of wishful thinking.

The empirical data used for this study put me on the *track* of the *indigenous non-state*. I had consciously refrained from reading the reports of the Sámi Rights Commission before beginning. If I had done so, I would have known that it had already found proof that local customs had been continuously maintained and developed ever since 1751, in spite of the attempted criminalization of some such customs from that year onwards.¹⁰⁹⁷ Even while ignoring this literature, I found that my empirical data (index) fitted badly with my coding categories (metonymy). Thus, I observed material traces (index) of something I could not make sense of by using the conventions I had previously learned (metonymy).

The first traces of the non-state emerged when I tried to analyze historical data for the Alta-dam case study, I wished to include historical-anthropological data about the local communities along the Alta River. In the archives, I found one study of highly assimilated fisher-peasants in the downstream area, another study of reindeer nomadism based in areas upstream from the coast.¹⁰⁹⁸ Those studies dealt with local livelihoods located in particular environments. Such human-

¹⁰⁹⁷ Norwegian Official Report 1997a (NOU 1997:4); 1997b (NOU 1997:5): 4; Norwegian Official Report 2007a (NOU 2007:13); 2007b (NOU 2007:14): 34

¹⁰⁹⁸ Bjørklund & Brantenborg 1981; Norwegian Ministry of the Environment 1978a

ecological information did not fit too well when I tried to compare the two blocs in terms of post-Marxist constructivism¹⁰⁹⁹ and Machiavellism.¹¹⁰⁰ Local social-ecological systems could not easily be reduced to terms of semiotic power and coercive power. Instead, those data fitted the literature about how *state formation* (my Explanandum), interacts through *subsistence practices* with *landscape geography* (my Explanans 1).¹¹⁰¹ This, however, fitted badly with Machiavellian (or post-Marxist) concepts of state formation.¹¹⁰² It became rather obvious that some local cultural norms were maintained through the interaction between subsistence and local natural environment, instead of being enforced by arbitrary coercive power, and instead of being constructed through arbitrary semiotic power.

Further traces of the non-state were found when I tried to code ethnographic data from the Deatnu River and Fjord. The problem was how to apply concepts such as “civil society” or “sub-politics”.¹¹⁰³ Most of the subsistence practices and social entrepreneurship that I observed dealt with bureaucratic states or capitalist markets. However, there were some instances of normative ambiguity, and maybe even normative discrepancy, between state norms and local customs. I tried to code this as “everyday resistance” or even as “anti-politics”,¹¹⁰⁴ but among my few observations of ambiguity between state norms and local practices, few instances appeared to be directly oppositional. They were certainly not anti-systemic, because they appeared to be rather conformist in the local setting. These mature traditional fishermen would probably feel rather alienated, or even instrumentalised, if the young cultural radical (that is me), tried to push their own practical reality (emic view) into the mold of radical green ideology (etic view). During my fieldwork, local lawyers had inspired me to have a look at the mentioned reports from the Sámi Rights Commission. I also read political science and political anthropology on non-coercive stateless political systems.¹¹⁰⁵ Some interviewees from the Nordic Sámeraddi and the ČSV movement were clear in their stance that the ancient tribal confederacy never fully disappeared. My preliminary conclusion is that those voices expressed a practical reality in upstream Deatnu, and that this probably has transfer value to describe less public, more hidden, more “occult” practical realities in downstream Deatnu as well. Thus, in spite of the language barrier, I think participant observation has enabled a few glimpses into a traditional indigenous human ecology that is parallel to the state-certified nature management, but *hidden* – or *huldr* as we say in Norwegian folklore.¹¹⁰⁶

¹⁰⁹⁹ Callon & Latour 1981; Laclau & Mouffe 2001 (1985)

¹¹⁰⁰ Deleuze & Guattari 1980 (their chapters XII-XIII on state formation frequently refer to Althusser)

¹¹⁰¹ Olwig 2002

¹¹⁰² Deleuze & Guattari 1980: in particular chapter 12

¹¹⁰³ Beck 1993; Beck 1996

¹¹⁰⁴ Scott 1995, Katsiaficas 2006

¹¹⁰⁵ Scott 2006; Gibson & Sillander 2011

¹¹⁰⁶ The Scandinavian and Sámi languages have both maintained folklore about hidden peoples in parallel worlds. The Norwegian oral tradition tells about our co-existence with the strange *hulder*-folk, from *huldr*, hidden. Sothern Sámi

When I returned from fieldwork, I found the works by Elinor Ostrom at the library of my university. I found that she had also written one article about Sámi reindeer nomads. I think her concept of pluricentric social-ecological systems, including formal laws and informal norms, provides a handy tool to characterize the general environment where state-certified nature management co-exists with a more discrete indigenous human ecology. Thus, I sketched one more general macro-mechanism to describe how state transformation (Explanandum) is being co-determined by ongoing mutual adaptation between two complex adaptive systems: On the one hand is the state formation itself (the Explanandum). On the other hand is a parallel system of indigenous law and indigenous knowledge (one component of Explanans 1). Thus, within the process of collective learning in poly-centric social-ecological systems,¹¹⁰⁷ there is an ongoing co-evolution between two partly autonomous historical-geographical formations: The state system was never fully consolidated, while the *siida* system never fully disappeared. This is how I suggest to explain the *de facto* legal pluralism in Sápmi. This legal pluralism includes complex *jurisdictions* (in the meaning of sources of valid law), even though there are clear-cut *sovereignties* (in the meaning of monopolies of violence).

12.2.4 In sum: the unexplained observations and the unobserved facts

Conditions of collective ignorance that are laborious to overcome. Public relevance may always be open for discussion. Thus, both the empirical observation and the conceptual schemata are limited by pragmatic, socio-material situations. Our *collective knowledge* about political history is encumbered by *collective ignorance* about the histories of colonised peoples and subaltern classes. Furthermore, the decolonisation of political historiography cannot be accomplished overnight.¹¹⁰⁸ It is a laborious process, which requires much empirical research on lots of issues that remain under-researched or ignored. We have no guarantee that this task will ever be completed. Any attempt to prefigure a potentially decolonized political science remains provisional and prefigurative. I have tried to tackle this by being explicit about the problem, and trying to observe some of the limits of my own observational capacity. I have tried to be frank about the unfinished character of my own research, as well as the existing knowledge in the relevant research. I have also tried to be frank

folklore tells similar stories about the strange *saajve*-people, which co-exists with the *sámi*-people. There are striking similarities between these Norwegian and Southern Sámi oral traditions, though this affinity in itself remains under-researched, hidden, or *huldr*. For example, the Norwegian peasants had to move their cowshed because their cows were *shitting* at the *huldr*-people below, while the Southern Sámi reindeer owners had to move their reindeer fence because the reindeer were *peeing* at the *saajve*-people underneath (sic!). These traditions have similarities with Celtic *fairy*-myths. However, it may also be relevant that Sámi and Scandinavian tribes shared the same outfields and took part in the same barter systems, while at the same remaining alien to each other's linguistic fellowships.

¹¹⁰⁷ McGinnis and Ostrom 2012

¹¹⁰⁸ Chakrabarty 2000

about how access to reliable data depends on the degree of involvement or positionality within the field of observation. Political science is thus basically a pragmatic activity.

12.3.0 Positive findings: some possible mechanisms

12.3.1 The perspective from landscape ecology and collective action

When possible explanatory mechanisms were suggested in the empirical chapters, I applied an explanatory framework. However, this framework, in turn, had emerged as a product of the participatory and abductive research process. The dialogue between the selection of data items and the selection of coding categories gradually led me to focus on *collective action* as constituent practice, and *landscape ecology* as constituted order. Thus, in the empirical chapters, I did *not* focus on coercive force as constituent practice, or geo-strategical theatres as constituted order.

Explanandum includes ambiguities within the state formation: What are the valid *constitutional norms* and valid *scientific disciplines* within the *various branches* of state power? This ambiguity includes, among other issues, the ambiguous co-evolution of state-certified nature management and indigenous human ecology: at some times and places there was mutual misrecognition of norms and knowledge, at other times and places there was mutual recognition. The ratification of recent human rights instruments has opened the question of how state law might regulate its own relationship to some of the local customs (and lore) that have been subject to attempted criminalization.

Explanans 1 includes the *informal* jurisdiction in Sápmi, its local *customs* and *lore* regulating actual nature management. My case studies reveal that local customs and local lore may vary according to local differences in different socio-ecological environments. Those varieties include ambiguities in relation to state politics. Local customs and lore have co-evolved with state law and science, either through mutual harmonization, or through mutual non-recognition. The practices that are autonomous of the state have resemblances with stateless political systems of the anarchist type (informal, egalitarian, non-coercive). *Explanans 1* also includes international norms, or the “soft law” of intergovernmental institutions. It further includes the policy process in such institutions, where governments interact with INGOs and TSMOs. In fact, all international and transnational diplomacy might be included here. *Explanans 1* also includes the relationship between local customs in Sápmi and international norms in the UN. The former have received institutional blessing from the latter, with recent human rights norms. This thesis is a study of state

transformation in the Alta and Deatnu water areas. Those rivers run through the heartland of Sápmi. The political cultures of the *siida*-system-that-never-fully-disappeared partially overlap with the political cultures of the state-system-that-was-never-fully-consolidated. The Sámi Rights Commission, appointed by the Norwegian state, found proof that local customs had been continuously maintained and developed ever since 1751, in spite of the attempted criminalization of some such customs from that year on.¹¹⁰⁹ Thus, in many periods and areas, the actual resource use in inner Sápmi has been regulated by local oral customs and lore rather than state-certified laws or science. This non-state system is not the object of study here, but the socio-material reproduction of the non-state has interacted with the socio-material reproduction of the states. In my causal model, the maintenance of the indigenous non-state along the Alta and Deatnu rivers is part of Explanans 1, while the transformation of the states along the Alta and Deatnu rivers constitutes the Explanandum.

Explanans 2 refers to the collectively unknown as an explanation of divergent truths. Divergent practical realities exist both amongst state-certified scientists active within different disciplines (Explanandum) and also amongst subsistence practitioners operating in different socio-ecological environments (Explanans 1). All knowledge remains unfinished, bounded, and consequently, both knowledge and ignorance remain *situated*. This not only the case for local lore, or traditional knowledge, it is also the case for science, or epistemic knowledge. The various parts of the state apparatus include a heterogenous body of state-certified knowledge, and there may be competition or even contradiction, between different state-certified expert groups. The indigenous non-state in Sápmi also includes a heterogeneous assemblage of traditional knowledge, continuously maintained and developed by fitting to particular social-ecological conditions within each locality. The heterogeneities of epistemic knowledge and traditional knowledge include dynamics of contention where social entrepreneurs may engage in the struggle to define the research agenda, or to define what is a valid method. Even when knowledge is based on strict empirical and rational procedures, its practice nevertheless takes place within concrete socio-ecological contexts, with sociological and ecological strains, as well as social and ecological consequences.

Both Explanans 1 and Explanans 2 zoom in on different aspects of constituent collective action and constituted landscape ecology. The former deals with customary praxes (embedded in the usage of natural resource systems). The latter deals with knowledge praxes (embedded in the experience of natural phenomena). Those factors may be identified and explained with the help of various conceptual resources. The SES approach has been developed to deal *mainly* with Explanans 1, and the ANT approach has been fitted *mainly* to address Explanans 2, but this is merely a

¹¹⁰⁹ Norwegian Ministry of Justice and Police 1997: 4; Norwegian Ministry of Justice and Police 2007: 34

difference of degree. Both approaches in fact deal with both explanatory factors, but they do it in slightly different ways. While ANT is geared towards increased specification, SES is specialized on increased generalisation. ANT is possibilistic, SES is probabilistic, and consequently, they are both non-deterministic and non-reductionistic, and therefore compatible.

12.3.2 Two macro-mechanisms

In the empirical chapters, this study has observed two “macro-mechanisms” that describe the dynamics of large-scale (trans)formations in the landscape geography.

The main (trans)formation of interest is *state transformation*, the selected *Explanandum*. This research interest decides the definition of analytical system boundaries. What interests me within the state transformation is mainly the *de jure* practices that co-determine natural resources management. These practices include a plural body of state-codified laws, and a plural body of state-certified science. Ambiguities are contained within the *de jure* natural resources management; it is a *constituted pluricentred policy network*.

What is not defined within the system is consequently defined as its environment. This environment includes *everything other than the state formation*, or in general, the landscape ecology. This is the social-ecological environment of state system. The customary praxes that co-determine *de facto* use of natural resources constitute Explanans 1. The knowledge praxes co-determining the *de facto* use of natural resources constitute Explanans 2. These practices are no less heterogeneous than the formalized practices of the state. They include a highly heterogeneous and fluid *constituent pluricentred issue network*. They also include longstanding social-ecological institutions in the Sámi society, a *constituted pluricentred kinship network*.

I have observed two “macro-mechanisms” to describe the system-level dynamics between Explanandum (state transformation) on the one hand, and Explanans 1 and 2 (its social-ecological environment) on the other hand.

Ecological (or progressive) adaptation of the state is a “mechanism” at the macro level. It refers to an adaptive process of collective learning within the state apparatus, understood as a body of codified law and a body of certified knowledge. This is functionalist or evolutionary thinking, and it should be used with caution. Firstly, the process is being “black boxed” at a macro level, without unpacking some of the specific causal chains at a more particular level of analysis. Secondly, with such a grand general view, one runs the risk of overlooking much actual plurality, or in other words, silencing minor voices and suppressing actual conflict. Thirdly, the functionalist or evolutionist perspective may be misinterpreted as teleological, optimistic or even as a one-size-fits-

all standard of development. However, apart from all of these (profound) shortcomings, the functionalist or evolutionist perspective has some (limited) value in providing a rough overview of socio-ecological adaptation. It is valuable as long as we do not keep it as a black box, but also open up that box, in order to identify some of the particular heterogeneities, differences, and conflicts at more particular levels.

Table 12-2: Macro-mechanism identified in *Geographical Overview*, Chapter 5

<i>Ecological (or progressive) adaptation of state (macro-mechanism)</i>
i: progressive adaptation (of state-certified a. norms & b. science) (lim – liminal value)
ii: gradual decrease in ignorance within the folk’s lore (lim)
iii: gradual decrease in ignorance within scientific knowledge (lim)

Maintaining parallel order is a “mechanism” at the macro level. It refers to the ways in which the indigenous people of Sápmi “preserve and develop its own language, culture and way of life”. This definition uses the words from paragraph 110a in the Norwegian constitution. This macro-mechanism is an adjustment of the previous macro-mechanism (ecological adaptation of the state). Today’s SES framework, unlike yesterday’s Structure-Functionalism, is interested in complex dynamic systems, with capability to co-exist and co-evolve. Because I build on Ostrom, it is no problem for me to make sense of actual legal pluralism in Sápmi. Rokkan, however, built on Parsons and Lipset, for whom there was either static order or sudden change. The gradual refinement of Functionalist political theory, away from Parsons, and towards Ostrom, is in itself an ecological adaptation of the states. Ostrom recognises informal rules and pluri-centric institutional arrangements, and as such, her Functionalism is one that no longer denies the de facto co-existence between state formations and other socio-ecological formations, such as the Sápmi homeland. Nevertheless, there still is a need to unpack some of the particular mechanisms of institutional change, what Ostrom refers to as “organisational learning” within socio-ecological settings.

Table 12-3: Macro-mechanism observed in *Case II*, Chapter 11

<i>Maintaining parallel order (macro mechanism)</i>
i. parallel order (re)produced, collective learning of lore & norms in local traditional subsistence
ii. divergent (or bridged) practical experiences in up- and downstream areas
iii. parallel systems of local knowledge (metis) in relation to scientific knowledge (episteme)

12.3.3 Four meso-mechanisms

Throughout the empirical chapters, I have identified four of the possible mechanisms at the level of particular practice networks (meso level), each of which contributes to specifying the observed dynamics of relatively wide and durable geographical formations (macro level). The observed meso-mechanisms deal with some of the particular pathways whereby constituent and constituted power operate.

“Ambiguous adaptations” is a meso-mechanism regarding the heterogeneous and ambiguous relationship between state law and indigenous law in some situations within the two selected watersheds, during the four selected decades. It refers to the difference between situations where indigenous laws and knowledge are being either *codified*, *criminalized*, or simply *ignored*, by the state builders. The fact that they might be *ignored* is crucial. This shows that the maintenance of longstanding customs and lore is not simply a way of resisting or negating the state order, but also a way of maintaining or confirming another order. This has consequences for how to interpret observations of situations where there appears to be friction between *de jure* state-certified nature management and *de facto* indigenous nature management. Unlike Bjerkli,¹¹¹⁰ I have argued that it is more correct to use Gene Sharp's concept “social defence” rather than Scott's term “everyday resistance”.¹¹¹¹ Part of social defence is the daily work to maintain the local moral order, to bolster against the potentially subversive effect of criminalization and stigmatization. Finally, there are also some situations where state-codified laws and state-certified sciences are brought into harmony with indigenous customs and lore. In those situations, it may be quite different cleavages that matter.

Table 12-4: Meso-mechanism observed in Case II, Chapter 11

<i>Ambiguous adaptations (meso mechanism, sub-cases I and II)</i>
i. ambiguous adaptations of local customs and lore to state-codified law and science
ii. divergent practical realities with different socio-material locations (in bureaucracy, landscape)
iii. divergent research & teaching priorities within disciplines (bio indicators, hist syllabus)

Three other meso-mechanisms concern some of the paths to empowerment within political entrepreneurship and social entrepreneurship. *Firstly*, I observed a “struggle to define the present hegemony”. This is a social struggle for the capacity to define the already constituted rules of the game within law and science. *Secondly*, I found a “struggle for future agenda setting”. This is a similar social struggle, for the capacity to set the agenda for future policy making as well as future research priorities. *Thirdly*, I identified that in some situations “arguments matter, but resources

¹¹¹⁰ Bjerkli 2010

¹¹¹¹ Sharp 1990; Scott 1985

decide”. The *common denominator* for all those three is that all of them refer to processes whereby entrepreneurial persons bond together in *collective action*, and also, how they may *broaden* the scope of their action by bonding with persons at *other localities*, taking collective action with them as well. This process is similar to the “twinning” of issue nets which was identified by della Porta and Piazza in their study of some Italian environmental justice movements.¹¹¹² By scaling out the scope of collective action, political entrepreneurs may produce *constituent issue nets*, interacting with the *constituted policy nets*. In a similarly manner, social entrepreneurs create *constituent innovation nets*, interacting with *constituted entities* such as regional innovation clusters or transnational epistemic communities. Social entrepreneurs take (non-violent) direct action for political-economic and political-semiotic empowerment. Political entrepreneurs take indirect action for empowerment via the state apparatus. The latter is not non-violent in the strict sense because the state apparatus also includes institutional violence, in addition to political-economic and political-semiotic arrangements. However, even though I distinguish between social and political entrepreneurship, I think both phenomena can be described with all three mechanisms.

Table 12-5: *Meso-mechanism observed in Geographical Bridge, Chapter 8*

<i>Struggle for future agenda-setting (meso-mechanism, geographical bridge)</i>
i. struggle for agenda-setting (within state-certified policy making and scientific inquiry)
ii. divergent practical realities with different socio-material locations (in bureaucracy, landscape)
iii. divergent research & teaching priorities within disciplines (bio indicators, hist syllabus)

“The struggle for future agenda-setting” is perhaps the one of the three mechanisms that is intuitively easiest to grasp. Particular interest groups may push for particular policy or research priorities, to gain the rights that seem beneficial to them, and the knowledge that seems applicable. Thus, there is a struggle for the social power to set the agenda for future policy and research.

Table 12-6: *Meso-mechanism observed in Case I, Chapter 7*

<i>Struggle to define present hegemony (meso-mechanism, case I)</i>
i. struggle to define actual hegemony in state (valid <i>constitutional norms</i> & valid <i>scientific praxes</i>)
ii. diverging practical realities of livelihoods up- or downstream (ecology, policy & jurisdiction)
iii. diverging scientific disciplines (technology and economy versus ecology and anthropology)

¹¹¹² Della Porta & Piazza 2008

“The struggle to define present hegemony” may perhaps be somewhat less intuitive. There may be competing interpretations of what is actually the established normative order, and there may be competing interpretations of what constitutes valid scientific methods too. Such disagreement may be strong when the context is changing, and the citizenry is confronted with the question of how to interpret old rules in a new historical situation. This appears to have been the case during the Alta-dam conflict: Case I described two emerging coalitions, each of them transforming the opportunity structure for the other. Both of them tackled the new historical situation by developing two competing interpretations of what the old rules actually looked like.

Table 12-7: *Meso-mechanism observed in Case II, Chapter 11*

<i>Arguments matter, resources decide (meso mechanism, case II)</i>
i. failure to shape policy, confront myths, police scientific reliability, when competing with big biz
ii. divergent technical and strategic framings among fishery organizations (big vs small business)
iii. unequal capacity to counter benefits of less costing monitoring system (big vs small business)

“Arguments matter, resources decide” is a mechanism that I observed in Case II when zooming in on the Deanuvtotna Fjord. I observed political entrepreneurs who struggle to set the future agenda, and also to define the present hegemony. I also observed social entrepreneurs working for empowerment within small business entrepreneurship and the development of new epistemic communities. For either of these paths to empowerment, the collective action seems to function in much the same way as the two previously mentioned meso-mechanisms. However, one striking observation in Deanuvtotna, where the River Sámi and Coastal Sámi cultural areas overlap, is that the indigenous rights struggle has thus far failed to transform the state. The preliminary failure of political entrepreneurship implies that the opportunities for social entrepreneurship remain limited. The liberal laws enforced by the state are supposed to ensure freedom for all citizens, but in practice, some are freer than others. My fieldwork in Deanuvtotna exemplifies structurally unequal life chances: On the one hand, there are locally based, self-employed fisher-peasants. On the other hand, there are industrial fisheries controlled by capital owners in more central locations in Norway and Russia. This socio-economic conflict highlights the socio-economic aspect of the International Covenant on Economic Social and Cultural Rights (ICESR).¹¹¹³ There is a history of forced expropriation of local fishery resources. Additionally, the history of forced cultural assimilation highlights the socio-cultural aspects of both ICESCR and the International Covenant on Civil and

¹¹¹³ UN 1966b

Political Rights (ICCPR).¹¹¹⁴ These covenants constitute the basis for the right to freedom racial discrimination and the right to freedom from forced colonisation, which in turn, is the reason that indigenous peoples, not only state-building peoples, have a right to self-determination according to international human rights norms.¹¹¹⁵ In Chapters 10 and 11, my argument is that the indigenous rights struggle in Coastal Sámi areas in fact does have both *right* and *proofs* on its side, in the form of already ratified international laws, and empirically solid social science research. If I am correct to argue this, then there is no lack of rights or proofs that can explain the lack of success for the indigenous rights struggle in Coastal Sápmi. Thus, I suggest that the explanation might be the highly unequal access to financial capital and political influence. Democratic participation seems to have been impotent so far, because the opportunities therein are structurally highly unequal. With reference to a more limited form of democratic participation, Rokkan famously said that “votes count, but resources decide”. With reference to the wider field of deliberative democracy, we could also say that “arguments matter, but resources decide”.

The four meso-mechanisms I have observed all address some ways whereby practice nets may serve as channels for constituent and constituted power. Three of the mechanisms describe different aspects of political entrepreneurship and social entrepreneurship. One of the mechanisms describes different aspects of everyday life when *de facto* legal pluralism includes some persistent tensions. Together, those four mechanisms specify some of the possible pathways whereby constituent power has been executed within the larger process of state transformation over the four latter decades, in two selected watersheds. Those mechanisms highlight some of the actual processes that *transform the constituted pluricentred policy net that is the state* (Explandum). This is done by tracing some ways whereby persons congregate in collective action, in order to exert influence on the continuous co-evolution between the state formation and its socio-ecological environment. However, the different meso-mechanisms deal with different forms of action repertoires, and partly with different forms of practice networks as well. Three of four mechanisms refer to interaction between *constituted policy nets* and *constituent issue nets* (alternatively constituent innovation nets). This is the case for the “struggle to set the future agenda”, as well as for the “struggle to define the present hegemony”, and this is the case also whenever “arguments matter, resources decide”. All of these three mechanisms deal with political or social entrepreneurship. The fourth mechanism, by contrast, deals with social action in situations where there is an overlap between different systems of actual natural resources management: on the one hand, the constituted pluricentred policy net; on the other hand, the constituted pluricentred kinship net. The report from the Coastal Fisheries Commission disclosed an *actual* legal pluralism in

¹¹¹⁴ UN 1966a: §27; Scheinin 2000; Scheinin 2004

¹¹¹⁵ UN 1966a: §1; UN 1966b: §1; Anaya 2004

Deanuvuotna and other parts of Coastal Sápmi,¹¹¹⁶ though it remains debated whether this implies that the nation-state must return the resources to the local communities. There appears to be a continuous reproduction of longstanding social-ecological order, regardless of whether this is being *codified*, *criminalized*, or *ignored* by the states. Whenever I observed tension between local indigenous laws and national state laws, I first mis-interpreted this as civil disobedience, but I realized that the fjord fishers tended to be politically moderate, and to understand their own behaviour as conformist. Thus, I adapted the term social defence to describe instances when the continuous maintenance of the local moral order comes in conflict with intrusive state builders.

In sum, the practice networks at play may be categorized into at least four types: constituent issue nets (serving political entrepreneurship), constituent innovation nets (serving social entrepreneurship), constituted policy nets (serving formalized governance), and constituted kinship nets (serving the moral economy). All of them are practice networks. The term “social capital” may refer to the degree of connectivity within either of those practice networks, but they are also qualitatively different. In spite of all the differences, these types of networks all appear to be pluricentric, dynamic, and entangled into each other. This seems to be the reason why it is possible that there is complex jurisdiction (meaning valid sources of law) even though there are clear-cut sovereignties (meaning monopolies of violence). Cleavages and alliances may emerge in various ways. During the Alta-dam conflict, the two coalitions divided the state apparatus as well as the local population. Sápmi was divided and conquered, the Sámi interest organizations NSR and SLF finding themselves on either side of the cleavage. During the indigenous rights struggle in Coastal Sápmi, there have been attempts to constitute a unified bloc of various groups of indigenous peoples, even with other subaltern classes along the coast.

12.3.4 One micro-mechanism

In order to avoid overly swift generalisations, it may be a virtue to specify explanations at the most particular level of analysis. This does not mean that explanations at one level of analysis can always be reduced to a more particular level of analysis. I have argued that Niels Bohr's “principle of complementarity” applies when physiologists combine electromagnetic and biochemical mechanisms, or when political ecologists combine resource geography and cultural geography. However, if we cannot reduce all explanations to one theory of everything, this does not mean that we should accept everything as a valid explanation. I think a valid explanation must at least be based on empirical evidence and consistent argument. The empirical chapters have provided

¹¹¹⁶ Norwegian Official Report 2008 (NOU 2008:5)

empirical evidence. I will now make a more consistent argument. Thus, I will turn to the most particular “nuts and bolts” of practice networks, like Jon Elster turns to the most particular building blocs of his rational choice theory. Above, I have made extensive use of some social movement research on how collective action may emerge at the sociological meso-level: coordination between *networks* and negotiations between *issues* enable the grafting and expansion of *issue networks*.¹¹¹⁷ However, there are various ways to explain how this process takes place. Here I will visit two of them: methodological individualism, and micro-interactionism.¹¹¹⁸

One option is methodological individualism, which sees the human organism as a unified, calculating unit, geared towards self-maintenance.¹¹¹⁹ This option is in line with neoclassical economy, and models all macro-sociological phenomena as the aggregate effects of individual preferences. Less ideological is the model of bounded rationality, which has been chosen for the SES framework.¹¹²⁰ Ostrom takes into account how individual choices are formed in collective action situations, which are conditioned by various ecological and sociological factors.

Another option is the micro-interactionist model, according to which the smallest building block of society is face-to-face interaction situations, where regular social relations links one situation to the next, constituting social networks. This is the option chosen by Susanne Staggenborg, who builds on Randall Collins.¹¹²¹ His micro-interactionism belongs to a US tradition, influenced by social psychology and phenomenology. Another, more materialistic, form of micro-interactionism is offered by ANT.¹¹²² Latour argues that practical reality is not only inter-subjective, but also “inter-objective”.

In my opinion, there is no contradiction between SES and ANT, because neither of them are extreme in their theoretical stance (either individualist or interactionist). As a general theory, Ostrom has found rather strong evidence for her SES framework. As a tool to uncover silenced pluralities, ANT has proven effective. Both are valuable, but to get a theory that may travel better, I suggest to use the SES framework, in order to explain how the *presence or absence of collective action* may cause a practice network to *scale out or not in a particular direction*. In each action situation, the actors may or may not find a common understanding of common interest. If they do, *convergence* or cooperation emerges. If their interests are unbridgeable, *agonism* or rivalry arises. Those are ideal types. What looks like convergence may be internal hegemony, the suppression of dissent. What looks like rivalry may be unrecognised common interest.

¹¹¹⁷ Della Porta and Piazza 2008

¹¹¹⁸ One third option is organic collectivism of the type preferred by Hegel, Durkheim or Marx, but as far as I know, this form of explanation is no longer in use.

¹¹¹⁹ Elster 1989; Coleman 1990

¹¹²⁰ Ostrom 2005; Potete, Janssen & Ostrom 2010

¹¹²¹ Staggenborg 2002; Collins 1988

¹¹²² Latour 2004; Law & Singleton 2012

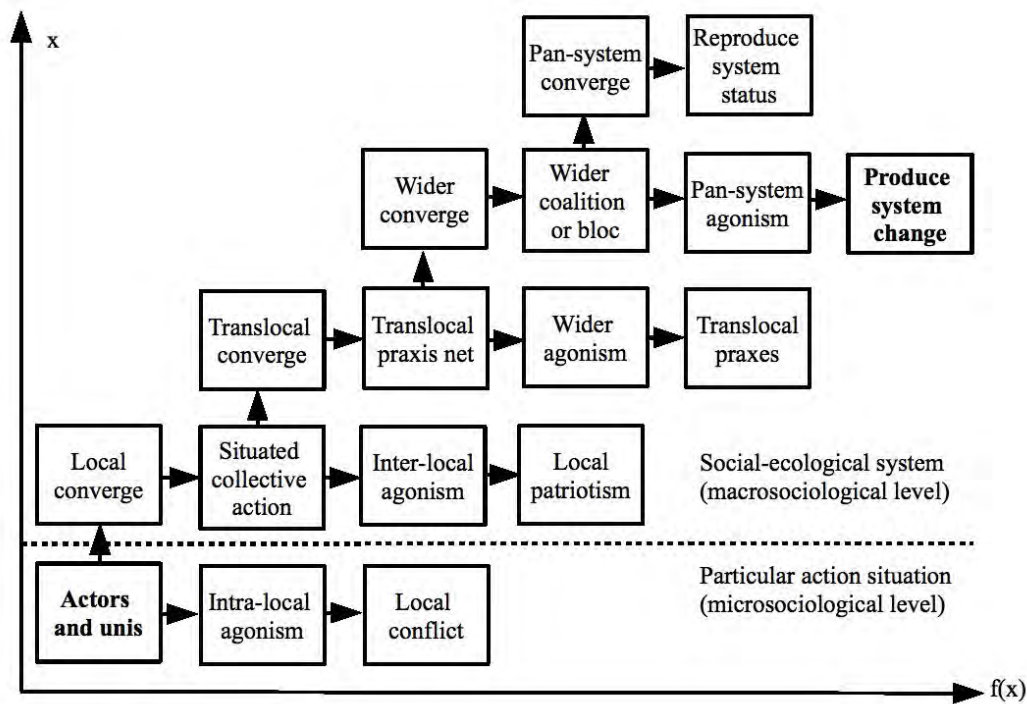


Figure 12-2: Collective action scaling out from particulars action situation, producing social change.

The axis $f(x)$ is a function of the axis x .

Axis $f(x)$ = the total social power of the praxis net formation

Axis x = the spatio-temporal scope, duration and density of the praxis net formation (system-level may be any system boundary that is analytically relevant, such as water area, state, or the UN. Indeed, Sámi resource mobilization has included transnational coalition building and accommodation at the UN in order to empower themselves vis a vis the intrusive states and the state-defined national economic interests.

Praxis nets consist of interpersonal networks across action situations, as well as networks of adjacent action situations. Ostrom's main category, "the presence or absence of collective action" is the micro-mechanism used to explain the formation of practice nets. This mechanism may lead to two possible (manifest) outcomes, either to convergence or cooperation, or to agonism or rivalry. (At the latent level, convergence may conceal internal hegemony, while open rivalry may conceal potential common interest.)

- *Agonism or rivalry* may mean economic competition, cultural conflict, or a struggle to form state politics. Agonism may include conflicting empirical experiences of practical realities.
- *Convergence or cooperation* may mean economic cooperation, cultural fellowship, or alliances to form state politics. Convergence may include inter-subjective "frame resonance" across various empirical experiences of practical realities.

How do these processes operate? They involve the impact of Explanans 1 (path i), but also the impact of Explanans 2 (iii) as well as the interaction between the two explanatory factors (iii).

Path i: Collective action is nice, but it is not the best option for every action situation.

Between unequal parties, the absence of cooperation may sometimes be necessary in order to empower the weaker party so that cooperation on equal terms might become possible. This is a

strategical option, and it is one regarding pathway i in the general explanatory model: convergence results in social capital (bonding, bridging), agonism results in competition (opposition) (i).

Path ii, iii: Collective action always includes a variety of inter-subjective positions. Therefore, the relationship between two groups will seldom be only cooperative or only conflictual. Consequently, apparent cooperation may or may not imply the suppression of internal conflict, while apparent conflict may or may not imply suppression of actual joint interest. There might be some minor positions within any virtual consensus. There might exist some silenced minor minority within every minority. Minor positions may keep the outward loyalty to the larger group, or they may ally with the adversaries of the larger group to which they belong. This is a source of dynamics. Schematically speaking, this can be put into two sentences: Firstly, convergence emphasizes consensus, not dissent, while agonism emphasizes conflict, not reciprocity. Secondly, convergence is vulnerable to internal dissent, whereas agonist fronts are vulnerable to fifth columns.

Table 12-8: *Micro-mechanism used to explain all the observed meso-mechanisms*

<i>Mobilize resources of frames: convergence or agonism (micro mechanism)</i>
i. convergence makes social capital (bonding, bridging); agonism makes competition (opposition)
ii. convergence emphasizes consensus, not dissent; agonism emphasizes conflict, not reciprocity
iii. convergence is vulnerable to internal dissent; agonist front is vulnerable to fifth columns

This praxis net forms “hierarchical scales”, in the sense that its trans-local ties may connect action situations that are more or less widespread over time and space. However, this does not necessarily imply that there is any hierarchical relationship of authority or capacity between each of the local nodes. Hierarchy as a logical order does not always imply hierarchy as a social relationship. Action at a rather wide scale may be composed of rather egalitarian relations. “Redistribution is a system of reciprocities”, while each reciprocity may be more or less symmetrical, as Marshall Sahlins shows.¹¹²³ *Cooperatives* are made to pool resources in a central node, but also to ensure distributed control over that node. *Corporations*, by contrast, are organized on the basis of central command, often with an externally distributed ownership structure. *Both* of them have a centralised structure, a hierarchical logical order, but only *the latter* type has a hierarchical social order, while *the former* type is socially egalitarian.¹¹²⁴

The logical hierarchy here is one of *geographical scale*, or scope. This is not the same as the

¹¹²³ Sahlins 1972

¹¹²⁴ *Corporations* may be regulated according to market capitalistic rules (ownership by private stockholders), but may also be state capitalistic (as in corporatist states or centralized planned economy). *Cooperatives* may be social liberal (as with Lay Lutheran entrepreneurship in agrarian areas in the Nordic countries), but may also be anarcho syndicalistic (as with the self-managed villages during the Spanish Civil War).

logical hierarchy used in the SES framework to sort out the relationship between operational level situations, collective action situations, the constitutional level and the meta-constitutional level. The two hierarchies may largely coincide, especially in some formal structures, but they also may not coincide at all, particularly not in local communities where informal norms are being deliberated in close proximity to the operational action.¹¹²⁵

Additionally, it should be noted that *different* forms of *geographical scales* are in focus regarding the explanans and the explanandum. The empirical chapters of this thesis have sought to explain *political geography* (explanandum) on the basis of praxis nets that produce its adaptation to the *landscape geography* (explanans). Thus, the empirical chapters have sought to trace how *networks and contention* may cause the political geography at *various political-economic scales* to adapt to the actual culture- and resource geography at *various socio-ecological scales*.¹¹²⁶

A praxis net may *constitute* an organization or an institution if reaffirming feedback loops exist, either purposely engineered or spontaneously emerging. Thus, even a macropolitical system might be unpacked as a composition of stabilized praxis nets. Such a system may be more or less coherent or chaotic, more or less static or flexible, more or less hierarchical or distributed, and more or less coercive or non-violent. Stateless political systems may show various combinations of those variables. State systems are rather coherent, static, hierarchical and coercive, and by maintaining that, the relative accountability of that state might be maintained. In the particular processes of state transformation that I have traced in the Alta and Deatnu water areas, the state appears to be co-existing and co-evolving with an older, parallel political system. Thus, both systems appear *de facto* ambiguous. Perhaps the state conforms with the ideal type "state" to the same degree that the non-state conforms with the ideal type of non-coercive, egalitarian, flexible, stateless political system.

Thus, with this explanatory model, the composition of socio-ecological order, including politics, may be reduced to its smallest constituent parts, that is microsociological *deliberation*, situated in particular action situations, embedded in particular socio-ecological environments. (This micro-mechanism may be formulated according to the SES framework or the ANT approach, according to one's preference. Here I have used SES.)

¹¹²⁵ Ostrom 2005: 58-64, 290-291

¹¹²⁶ These *different* forms of *geographical scales* are not made from the "same stuff", even though both can be dissected into heterogeneous socio-material networks (Latour 2005). On the one hand, *political-economic scales* can be dissected into centralized organizational routines, accumulated capital flows, and material media of exchange or communication (formalistic economy, formalist law, and "formal norms" in the SES framework). On the other hand, *socio-ecological scales* consist of every kind of matter and praxes, and are far too complex to be disentangled. One may trace some of the particular causal pathways, but must treat the rest as "context" or "environment". In the terminology of the SES framework, these are "levels of accumulation" at various "spatial and temporal scales" (Potete, Jansen & Ostrom 2010; McGinnis & Ostrom 2012). These scales can be defined by choosing *pragmatically* relevant *analytical system boundaries*, which define a historical duration and a geographical scope. Similarly, it is *pragmatically* relevant to consider the *de jure* claim of territorial jurisdiction by political and administrative hierarchy, even though *de facto* civil obedience within the territory may or may not be another story. Such pragmatic definitions of territory can be seen as technologies for management of landscape and population.

12.4.0 Shortcomings of the chosen perspective?

The suggested micro-mechanism is meant as a general explanation of the four observed meso-mechanisms, and thus, it is also meant as one possible explanation of the two observed macro-mechanisms. However, among the observed meso-mechanisms, there is one to whom the suggested micro-mechanism may not apply very well. The mechanism “resources decide” may or may not be reducible to deliberation as I have used the term here. When resources decide, there is not only agonism rather than convergence, but in addition, the coercive apparatus of the state may be involved in the maintenance of structurally unequal opportunities. Thus, when resources decide, the process cannot be fully explained in terms of presence or absence of collective action (as with SES or ANT), but additionally, there is an element of coercive force (as with the postmodern Machiavelli). This actualizes the need to control for the possible bias of wishful thinking.

13.0.0 ALTERNATIVE EXPLANATIONS: A *REALPOLITIK* VIEW

13.1.0 Chapter introduction

The previous chapter summarized the empirical explanations that I found in my research. However, in the present chapter, I will discuss some alternative explanations that have been suggested by colleagues within a rival research tradition. Only after having discussed their findings as well, will I proceed to the final discussion of the results. That will be the topic of the next chapter (Chapter 14).

The two rival traditions were presented in Chapter 3, with a resumé of my field travels. It was only through my empirical research that I became aware of the rivalry between two different clusters of organic intellectuals. There seems to be one major tradition, affiliated with human rights policies, and within this tradition I have operated. However, there also seems to be another, minor tradition, more affiliated with public security policies. Chapter 3 defined the two rival traditions with reference to Elinor Ostrom. The major tradition I described in terms of her own “new theory” of cooperative natural resources management. The minor tradition I associated with what she calls the “old theory”, which she ascribes to Hobbes and Hardin.¹¹²⁷ While their old theory had pretensions of being the definite political theory about everything, Ostrom’s new theory is far less pretentious. She merely argues that her theory sometimes applies, and therefore, that the old theory does not always apply. I have tried to cultivate a similar sensitivity to uncertainty.

For this reason, I will now present and discuss the findings from colleagues who have researched the same transformative process as I have, but seen from within the rival tradition. Specifically I am interested in controlling for the potential bias of wishful thinking within my own research tradition. However, I am also out to demonstrate that a one-sided or self-righteous use of so-called realism might render realism no less naïve. Transformative social movements require neither naïve idealism nor naïve realism, but useful, critical and realistic tools.

¹¹²⁷ Ostrom, Walker & Gardner 1992

13.2.0 The perspective from geo-strategical theatres and coercive force

Let us have a look at rival explanations. My research has largely ignored one strand of research that has developed in parallel to what I have called the “canonical” historical narrative. I have build further on the work of historians, anthropologists and sociologists with an interest in the various perceptions of rights, various forms of local knowledge, and how these phenomena relate to particular socio-ecological environments. Such a view was used by many organic intellectuals as well as by the Sámi Rights Commission. In parallel, and in relative isolation, some research has been carried out within so-called “realist” state science (*statsvitenskap*). This strand of research is as well close to policy, but not so much to human rights policies as to security policies. Anne-Julie Semb has undertaken archive studies at the Norwegian police, analysed minutes from debates in the Norwegian parliament, and interpreted results from Norwegian national elections. In one article, she suggests two micro-political pathways that may explain why the Alta-dam struggle appears to have led to attempts to institutionalise indigenous rights. In another article, she sketches a macro-political overview of possible geopolitical consequences. The explanations she suggests are based on reliable empirical data, but also application of a well-defined theoretical approach. The latter implies a specific reductionism, which differs from the reductionism found in the main tradition, within which I have operated.

Now I will try to control for the possible bias of wishful thinking in my own interpretation. Therefore I mobilize the three mechanisms suggested by Semb, in order to confront my own findings with a *competing theory*. However, since my purpose here is to carry out a systematic control for the bias of wishful thinking, I will turn to a form of *state-centred realism* that is even more consequent or clear-cut than Semb’s version of it. Chapter 4 explained why I think it is virtuous to maintain a conceptual distinction between coercive force and the legitimation of such force. Following Morgenthau and Chomsky, two critical realists,¹¹²⁸ I rejected the “neo-neo-smear” of “neo-realism” and “neo-liberalism”, and instead I embraced the ice-cold instrumentalism of Machiavelli, re-read and re-interpreted for the age of network-centred warfare and global security threats.¹¹²⁹ The viewpoint of geo-strategical theatres and coercive force is rather different from the viewpoint of landscape ecology and collective action. If we now take the alternative, cynical viewpoint, then we must also re-define the Explanans and the Explanandum.

Explanandum includes ambiguities within the state formation: How can we draw the distinction between military alliances securing the sovereignty of a member state, and the member state giving up its own sovereignty to the same military alliance? This variable includes the

¹¹²⁸ Morgenthau 1970; Chomsky 1969

¹¹²⁹ Althusser 1998; see also: Weizman 2007; RAND 1998; Langlais 1999

coercive apparatus internal to the state, especially the police policies, entangled with international police cooperation. It also includes the coercive apparatus for external use by the state, mainly defence policies, entangled with military alliances. In fact, the globalised security situation has made it more difficult to separate the policy areas of internal order and external defence.

Explanans 1 includes unresolved issues regarding the authority to use coercive force in some Sámi areas, mainly the Finnmark Plateau, but also some other areas. Concretely, this concerns the question of when, if ever, the police has the right to use coercion. In two particular instances, it has also involved the question of whether the indigenous people have the right to defend themselves with coercive means. The first instance was the insurgency in 1852, while the second was the attempted sabotage action against a bridge during the Alta-dam controversy. *Explanans 1* also includes unresolved issues regarding coercive force in the politics between states, for example the competition between NATO and the CSTO regarding control over the Arctic Ocean. This further relates to debates on the right to intervene in foreign states, politically or militarily, in order to police human rights violations.

Explanans 2 refers to the collectively unknown as a factor to explain the conflicts between different practical realities, those that are the major or dominant ones within any given hegemony, and those that are the minor or silenced ones within that hegemonic arrangement. This is relevant with regard to the struggles to define what are valid scientific disciplines, as well as the struggle for agenda-setting within each discipline (*Explanandum*). It is also relevant with regard to a rich variety of informal knowledge about nature use, for example the practical realities of fjord fishers versus trawler capitalists (*Explanans 1*). The Machiavellian “effective truth” is a purely instrumentalist theory of knowledge (epistemology): what works is true. However, what works for the practical needs of one group differs from what works for the practical needs of another. From the point of view of ice-cold instrumentalism, there may be incommensurable differences of perception between antagonistic groups, but scarce opportunities to deliberate concerning shared standards of truth.

In the following sections, I will discuss Anne-Julie Semb’s empirical findings. She has conducted valuable empirical findings, which I will present as three explanatory mechanisms. However, unlike her, I will try not to mix normative justification and strategic analysis. That will lead me to suggesting a few adjustments to how she interprets the mechanisms she observed, and additionally, I will also suggest a fourth mechanism. Thus, I end up formulating four ultra-realist explanatory mechanisms, but I will also warn against using those four explanations in isolation. This ultra-realist perspective remains totally ignorant of the social-ecological perspective. The latter is what I have used in my own empirical research, which has led me to suggesting eight other explanatory mechanisms. All twelve mechanisms should be seen together if we are to overcome reductionism, and develop a really *realistic* explanation.

Table 13-1: Four explanatory mechanisms from so-called “realism”

<i>Mechanisms identified by Semb</i>	<i>Suggested amendments to the mechanisms</i>
possibility of hypothetical Sámi separatism	geostrategical fortunes (separatist host states)
Government’s fear of hypothetical insurgency	asymmetrical interactive (de)escalation
Government’s fear of loosing prestige in the UN	diplomatic face-saving
---	strategical securitization

13.3.0 Positive findings: some possible mechanisms

13.3.1 One macro-mechanism

The ongoing state transformation in the High North does correlates with some geo-strategical changes. Four host states share responsibility for different parts of the Sámi cultural area: Russia, Finland, Sweden and Norway. The former is responsible for many other indigenous peoples as well, while the latter is responsible of most of the Sámi core area and population. The former is the leading partner of the CSTO alliance, whereas the latter is part of NATO. Sweden is neutral, while Finland used to take part in the economy of the USSR.¹¹³⁰ In 1989 the regime suddenly changed on the Russian side, while on the Norwegian side, a special “Sámi parliament” was created, following the Finnish example. However, the sudden events of 1989 are no explanation, because the reform process had started about ten years previously, and in 1988, it had led to the amendment of Norway’s written constitution. This coincided with the *Glasnost* policy on the other side of the Iron Curtain. The further reform process took place in a geo-strategical environment that included the collapse of the USSR, with the fall of bi-polar geopolitics, and the rise of the BRIC-countries, with the return of a multi-polar world. After 1989, the security doctrine of NATO was transformed, from liberal nationalism to unbounded network-centred warfare.¹¹³¹ Regional integration takes place within the EU, within the Russian Federation, and even between the two, in the Barents Region. At the same time, NATO and CSTO compete for Arctic resources, with the oil companies Statoil and Gazprom on each side (see Figures 13-1 and 13-2).

¹¹³⁰ Arter 2008: 268

¹¹³¹ Østerud & Matlary 2009

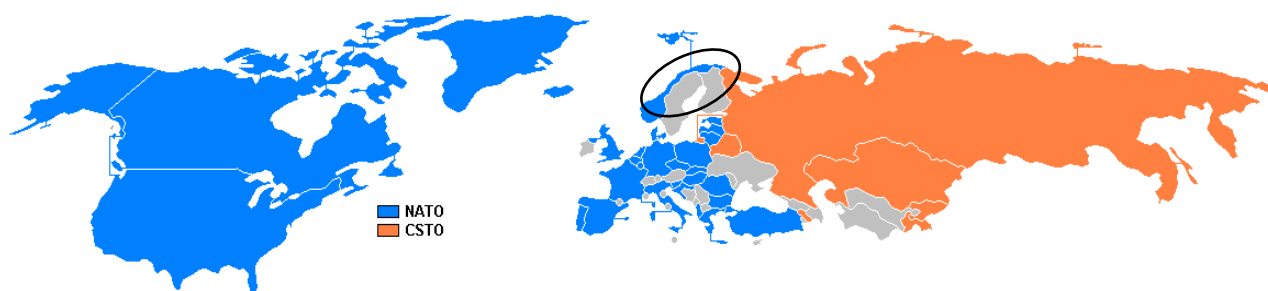
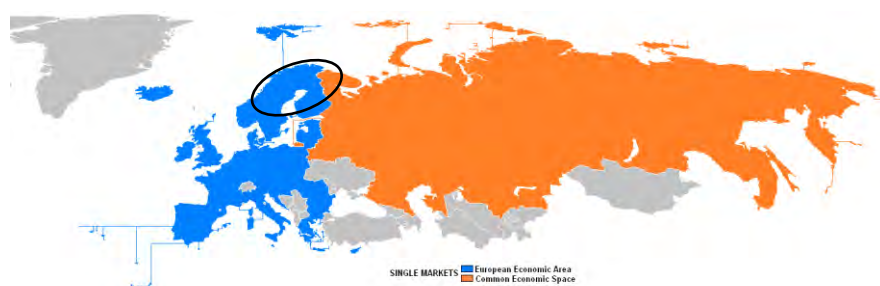


Figure 13-1: Sápmi and Europe between two military alliances

Two military alliances: NATO and CSTO, with Europe divided, and Sápmi divided in the north.¹¹³²

Figure 13-2: Sápmi and Europe between two competing free trade areas (before TISA)

Two free trade areas: the Western-European EEA and the Eurasian CES, with Sápmi divided in the north¹¹³³



Some observers worry about a perceived loss of national integrity for the small states. Semb implies that the implementation of indigenous rights in Sápmi may potentially lead to separatism.¹¹³⁴ For me, that is not realistic, even if I leave aside the socio-ecological systems that I investigated above. From the viewpoint of *Geopolitik*, the state borders that divide North-Eastern Sápmi were virtually stable from 1945 until 1989, but never before, and not after. Since 1751, the Norwegian-Swedish border has been stable as far north as Lake Boulbmát, which is in the Deatnu water area. However, north and east of that, state sovereignty remained contested until 1945.¹¹³⁵ In fact, this area is the Arctic extreme of a north-south belt that includes the entirety of Eastern Europe, from Finland and the Baltic States, through Western Russia, Poland, Belarus, Ukraine and Romania, to the Black Sea and the Balkans. The peoples of Eastern Europe have suffered many wars, something that has sometimes been explained with reference to a theory about the Eurasian inland as the strategical “pivot of history” (see Figure 13-4).

¹¹³² Map source: Wikimedia Commons, http://en.wikipedia.org/wiki/File:NATO_CSTO.PNG last retrieved April 2014.

¹¹³³ Map source: Wikimedia Commons: http://en.wikipedia.org/wiki/File:EEA_CES.PNG last retrieved, April 2014.

¹¹³⁴ Semb 2005

¹¹³⁵ For a historical-geographical account of the establishment of state borders in the Sápmi region, see part 5.2.5, and in particular the historical map in Figure 5-4(b). It should also be noted that borders drawn on a map (*de jure*) are not automatically translated into actual useage of land and water (*de facto*), see also Jebens (2010: 22). For the Machiavellian "old theory" such acceptance or social authority is mainly a matter of *coercion*, whereas for the "new theory" it is mainly a question of *concent* (Ostrom, Walker & Gardner 1992). Regarding power through coercion or concent, see also Routledge (1993: 31).

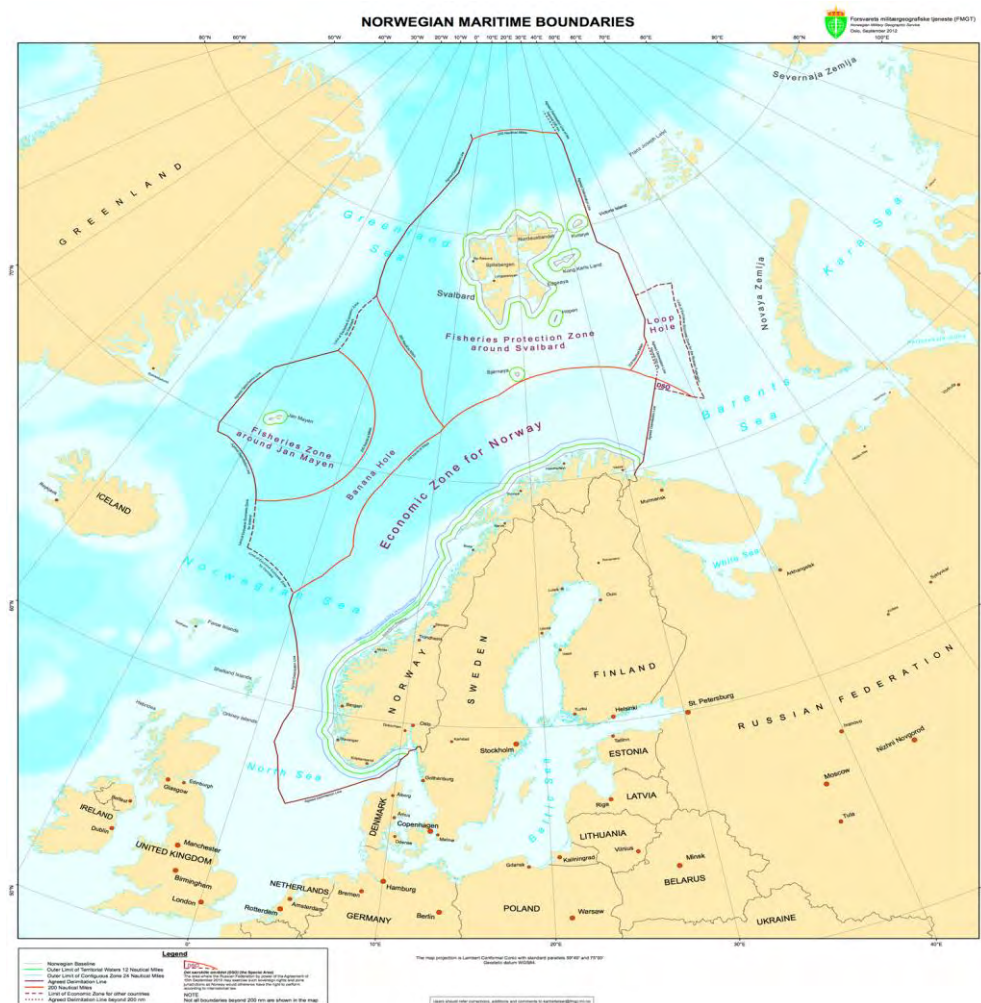
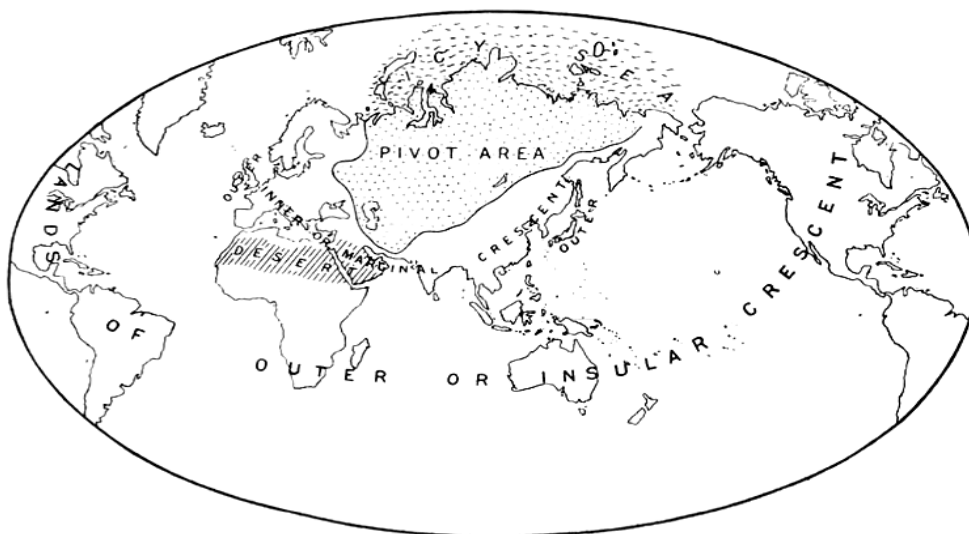


Figure 13-3: Norwegian Maritime Boundaries

Rich fish, oil and gas resources located within the Norwegian Maritime Boundaries.¹¹³⁶

Figure 13-4: The Heartland Theory

The Barents Sea Basin located at the northwest of the geo-strategically "pivotal" area.¹¹³⁷



¹¹³⁶ Map source: © The Norwegian Military Geographic Service, ungraded map, retrieved February 2013.

¹¹³⁷ Map source: Wikimedia Commons (Wikimedia: "The Geographical Pivot of History"). First published in: Mackinder (1904: 435). Copyright has expired (70 years after death of author), and the work is in the public domain.

This geopolitical history may provide an explanation of the existence of Sápmi that is complimentary to the social-ecological one. The Sámi were never accommodated by state builders between 1500 and 1989, but controlled at an arm's length, in some areas and periods through forced assimilation, in other areas and periods through segregation policies. That may have been a way for state builders to secure access to local natural resources used by the population in an area where competing state builders at any time might violate the claimed monopoly of violence. Along the Deatnu River, the local population were subjugated to shifting state borders and sometimes competing tax collectors. This created a specific set of limitations and opportunities, where the local population continued to sort out the *de facto* use of natural resources locally, and the overlords seldom cared as long as they could collect taxes. Therefore, there is absolutely nothing exceptional in the attempt by the Nordic Sámeráđdi to protect and develop this local self-rule. Instead, what is exceptional is the increasing state bureaucracy after 1945, whereby Norway and Finland dare to enforce their claimed sovereignty, thus dividing the river that they had always shared. Those novel policies from Norway and Finland constitute the actual political separatism in the Deatnu Water Area. By contrast, the ongoing experiments with bioregional management in the area may be seen as regional institutions designed to come to terms with the *de facto* ambiguity of sovereignty within this boundary zone of history's geopolitical pivot area.

Table 13-2: *Macro-mechanism, the geopolitik view*

<i>Geo-strategical fortunes (stabilized Fortuna, macro mechanism)</i>
(i) stochastic mechanicism (Heisenberg)
(ii) situated experience (Haraway) under the fog of war (Clausewitz)
(iii) act of observing co-determines the observation (Bohr)

Path i: This viewpoint from classical *Geopolitik* has similarities with the landscape ecology view that I have applied in my own empirical studies. Both explain ongoing de-territorialization of sovereignty as a product of environmental factors. Both describe emergent processes. However, the macro-mechanisms are still different. With the landscape ecology view, I mobilized *functionalist* explanations from sociology and ecology. Those may be misinterpreted as teleological development optimism (as with Lamarck, Parsons or Lenin). The geopolitical view, by contrast, provides a *mechanistic*, physicalistic view, though one that observes the unpredictable, nonlinear dynamics of strategy. When the mechanic is *nonlinear*, it cannot be misinterpreted as deterministic (Newtonian), but must be seen as stochastic (Heisenberg). Thus, the path between Explanans 1 and Explanandum is interpreted in terms of modern physics (i).

Path iii: Since the process is unpredictable, this also implies some assumptions about the impact of Explanans 2. With the functionalist view, knowledge is seen as an experimental adaptation to practical realities. However, a stochastic mechanicism may provide a less optimistic view. In line with Bacon, knowledge is seen as power, not only because it is empowering, but also because research priorities are entirely determined by power. Nuclear physics, or stochastic materialism, was the Royal science of the Cold War. For Niels Bohr, this led to consciousness about how the act of observing co-determines observation. As a nuclear physicist, he found his findings misused by the military-industrial complex, but as a social philosopher he sabotaged their strategy, by engaging in peace activism with colleagues from the East. His epistemology describes how research on the unknown interacts with social arrangements, such as states (iii).

Path ii: Uncertainty is not only found in state-certified scientific disciplines (a component of Explanandum), but also in the strategical and technical knowledge in the geopolitical environment (Explanans 1). Consequently, both are influenced by Explanans 2; there is a causal interaction between Explanans 1 and 2 (in addition to both of them having direct impact on Explanandum). Radical feminists argue that all knowledge, formal or informal, is situated, relative to situational practical reality.¹¹³⁸ This is even more the case within the chaos of the battlefield, the infamous “fog of war”.¹¹³⁹ The “fog of war” and “situated knowledge” are terms that describe how the unknown interacts with hands-on geopolitical practice (ii).

In sum, this view on paths i, ii, and iii, is an application of *aleoatory materialism*, the position developed by Althusser in order to defend against the critique from post-structural and neo-positivist anti-foundationalists. Althusser went back to Machiavelli, where he found an instrumentalist epistemology about “the effective truth”, combined with the instrumentalist strategy about how “stabilized Fortuna” may be created through acts of “creative Virtù”.¹¹⁴⁰ This realism does not assume that sovereignties are territorialized or finished, but it is still state-centred, because of its one-sided focus on coercive force. It is fit for the goals of Trotskysm and network-centred warfare, and it remains *reductionist*. For my purposes, however, this is useful as a *complimentary* approach to control for the bias of my own reductionism. What I found by applying it is, that *contrary* to Semb’s suggestion,¹¹⁴¹ the *actual political separatism* in the Alta and Deatnu water areas is *not* found in the indigenous rights movement, *but* in the attempt by state bureaucracies after 1945 to consolidate claimed territorial divisions that had never before been enforced. Such utopianism contributes to political destabilization, while what contributes to stabilization is the attempts at regional integration, codifying the actual entanglement of sovereignties. By suggesting

¹¹³⁸ Haraway 1991

¹¹³⁹ Clausewitz 1837: Book 1, Chapter 3, cited at http://en.wikipedia.org/wiki/Fog_of_war Last accessed 26. May 2014

¹¹⁴⁰ Althusser 1998 (Norwegian translation: Althusser 2003)

¹¹⁴¹ Semb 2005

that state sovereignty and indigenous self-determination must be sorted out, the ICESCR is not (only) an idealistic normative instrument but (also) a pragmatic contribution to “stabilized Fortuna” in the geo-strategically troubled Eastern Europe.

13.3.2 One meso-mechanism

The first causal path has been identified through archives left behind by the Alta-dam controversy. Semb proposed an explanatory mechanism on the basis of archival work in the Norwegian police, combined with minutes from debates in the Norwegian parliament. Those primary sources are seen in the context of election statistics, indicating that the popular opinion might not have provided any incentive for the political class to implement indigenous rights. In my opinion, Semb bases those suggestions on solid empirical proof. She is also careful to emphasize that she is not assessing the actual risk of violent escalation at the time, but what might have been the perceptions amongst policy makers. Still, her findings have not been incorporated into the “canonical narrative” from Dalland through Hjorthol, to myself. On the other hand, this canonical narrative was ignored by Semb in her interpretation of her own data. In my own case study, I included data about law enforcement from Hjorthol’s archive work and interviews. He confirms that it was a high priority for the police to uncover a hypothetical Sámi guerrilla force, and he emphasizes that still they never found any. Additionally, he documented the political struggle between the Minister for Justice, who asked the army to intervene, and the Minister of Defence, who rejected the request. For the latter author, it was important to find proof that de-dramatized the story, because he was the former regional leader of the Maoist party, the internal discipline of which had been disobeyed by Niilas Somby and his group when they tried to engage in material sabotage of a bridge. His forefather Mons Somby had participated in the Guovdageaidnu Uprising in 1952, and had been beheaded by the authorities for the murder of two of the King’s servants. Those are the two singular examples in recorded history when the Sámi applied coercive force to defend themselves against institutional violence from host states.¹¹⁴² However, during the Second World War, Finnmark County had a rather active partisan movement against the Nazi occupation, and it was aligned with Murmansk, rather than London. Both historical memories were evoked by Niilas Somby in an interview in 2010, where he claimed that he had tried to convince his group to blow up the ship that had

¹¹⁴² Some argue that the historian or the anthropologist should treat threats of witchcraft similarly to threats of brute force, because the receivers of the threats may have perceived both as equally violent (Graeber 2004). If this is the case, then it has implications for our understanding of the witchcraft trials against the Sámi under the early modern state churches. If my study had been a historical anthropology of early modern Sápmi, I might have adapted such a conceptualisation, but for the present study, I have defined coercive force according to contemporary ethical and strategic needs, see Chapter 2.

transported the police forces that were used against non-violent civil disobedience from *Folkeaksjonen* and *Sameaksjonen*.¹¹⁴³ This suggestion had not succeeded in influencing the consensus within his affinity group. However, the moderate Sámi politician Ole Henrik Magga claims that if the army had been used against the non-violent civil disobedience, then it would have become “impossible to keep the militants among the Sámi in check”.¹¹⁴⁴ All of this proof should be taken together: the recent newspaper articles, the canonical historical research, and Semb’s contribution. The latter documented the fear of hypothetical insurgent violence among the political class. The historians found proof that the activists restrained each other; in Magga’s words, they kept each other “in check”, and the same might be said about the interaction between the two ministers that maintained command over the police and the army, respectively. Those processes may be compared with two general mechanisms of insurgent political violence, suggested by della Porta:¹¹⁴⁵ *escalating policing* from the ruling coalition, and *competitive escalation* among the oppositional coalition. One of the contexts where those mechanisms were identified is the “interactive diffusion” where the interactions between riot police and black bloc protestors became increasingly violent from one counter-summit to another. Thus, one may talk about *interactive escalation*. In the case of the Alta-dam conflict, the interaction implied quite as much restraint as escalation. Thus, we may identify a mechanism of *asymmetrical interactive (de)escalation*.

Table 13-3: One suggested meso-mechanism

<i>Asymmetrical interactive (de)escalation (meso-mechanism)</i>
(i) actors in ruling and oppositional blocs co-evolve tactics, and keep internal tactics in check
(ii) police action is perceived differently from communities at different locations in the terrain
(iii) if all you have is a hammer, all problems look like nails, also for policy makers

Path i: The particular path it took may be explained by means of comparison with counterfactual history: if the Ministry of Defence had been under the control of militants within the pro-dam bloc, then the army would have been mobilized, and then “the militants” among the Sámi might not have accepted being restrained by their more pragmatic peers. Activists keeping each other “in check” within the oppositional bloc depended on members of the political class keeping each other “in check” within the ruling bloc. So, the process was interactive, but it was also a conflict on unequal terms. We deal with an asymmetrical political conflict, which did not escalate into an asymmetrical military one (i).

¹¹⁴³ Larsen & Kalvemo 2010

¹¹⁴⁴ *Aftenposten* 2011 (2006)

¹¹⁴⁵ Della Porta 2013

Path iii: This physicalist mechanism also involves different forms of being under-informed at different strategical positions, Explanans 2. Within the state apparatus (Explanandum), information is being gathered about the unknown (Explanans 2) and analysed within the context of various policies: security studies, international law, police science, etc. If all you have is a hammer, all problems look like nails. The different branches of the state produce competing interpretations (iii).

Path ii: Within the strategical terrain (Explanans 1), all actors find themselves in strategical positions relative to other actors, but also find themselves under-informed about their own positions (Explanans 2). Within the tent camps of *Folkeaksjonen* and *Sameaksjonen* some intersubjective empirical perceptions emerged, while within the opposing *Borgervernet*, some quite different perceptions emerged, and so on. Population groups with different socio-material positions within the terrain of the watershed tended to experience the police action in quite different ways (ii).

My suggestion is that we interpret the mechanism of asymmetrical interactive (de)escalation in the context of my socio-ecological findings, above. Legal pluralism was the practical fact on the ground, even though the Supreme Court in 1982 attempted to affirm the unity of jurisprudence. Under conditions of legal pluralism, it may not be entirely clear what coercive force is legitimate, if any. Thus, while *some* policy makers may have seen Somby's sabotage action as a symptom of potential insurgent violence, *other* policy makers may have seen it as a symptom of absent social legitimacy for institutional violence. Semb found proof for the existence of the former perception in her archive work. I see proof for the existence of the latter perception in the reports from the Sámi Rights Commission, commissioned by the Ministry of Justice and the Police. This implies that I think that some forms of state investigation are more fruitful than others. In particular, I think that security studies may easily become misleading if their bias is not controlled for with studies of human rights law, legal anthropology and legal history. Thus, the geo-strategical mechanism of "interactive (de)escalation" *cannot lead to valid interpretation* if seen in *isolation from* the actual context of the landscape ecology, for example the mechanism called "ambiguous adaptations". Similarly, it may be fruitful to control the neorealist mechanisms "(de)escalating policing" (within constituted power) and "competitive (de)escalation" (within a constituent power) for what the data reveal when we apply the more constructivist mechanisms "the struggle to define (actual) hegemony" and "the struggle for (future) agenda-setting". While the army was not being mobilized during the Alta-dam struggle, this may partly be understood as a strategical adaptation, where several heads think better than one, but it may also be partly understood as an outcome of a symbolic struggle between competing clusters of party bosses, who had gained control over different ministries. It might be that the non-militaristic faction within the ruling bloc succeeded in defining the policy agenda.

13.3.3 Another meso-mechanism

The second mechanism suggested by Semb was in play during the attempt to implement indigenous rights, my Cases II. She asks what might have led the Norwegian parliament in the 1980s and 1990s to ratify the new international norms on indigenous human rights. One of the explanations she suggested was the fear of hypothetical insurgent violence, which I discussed above as “asymmetrical interactive (de)escalation”, and saw in the context of “ambiguous adaptations”. The second explanation she suggests is that the political class feared that the state might lose its prestige in the UN, and since the state is small, it possesses few other assets in international politics. For me, this makes sense intuitively, though she does not provide much evidence for this. However, one author who does provide evidence is Henry Minde, who took part in the international policy process, as a representative of Sámi NGOs.¹¹⁴⁶ His narrative about the process is somewhat different. He portrays the Norwegian diplomatic corps and the Sámi interest organizations not only as adversaries in the negotiations, but also as allies. The two explanations may both be correct. Norway had already established an image of itself as being in favour of indigenous rights, when suddenly its political leadership realized that their domestic political entity contained an indigenous people. This happened when the Sámi interest organizations gained acceptance among the international interest organizations for indigenous peoples. From then on, the Sámi organizations participated in the transnational indigenous rights movement, which struggled to influence the policy process in the UN. In parallel, the same Sámi organizations also engaged in diplomacy with their host states. This multi-level policy process was rather complex, and more research would be needed in order to further specify the explanations suggested by Minde and Semb. One hypothesis may be that the Sámi under Norwegian jurisdiction succeeded in pressuring the colonial state to collaborate because they had bypassed the state and sought accommodation at the UN level before seeking accommodation at state level. We may elaborate this as a mechanism, regarding pathways i, ii and iii.

Path i: The direct impact from Explanans 1 on Explanandum may be explained by the aleatoricity of strategy (its element of unpredictability): The double standards of a liberal state backfire when that state suddenly faces strong claims that it breaks human rights at home (i).

Path ii: This relates to how various positions in the strategical environment (Explanans 1) are underinformed in different ways (Explanans 2). The minority population experiences human rights breaches, while the majority remains ignorant (ii).

Path iii: This, in turn, also influences the state’s diplomats (Explanandum), who are under-informed (Explanans 2). The Ministry of Foreign Affairs started out by being under-informed, when

¹¹⁴⁶ See e.g. Minde, Eide & Åhrén 2007

pushing for indigenous human rights abroad, and only after that process had started, did the ministry obtain information about domestic human right breaches (iii).

This explanatory model reduces international politics to pure strategy, in line with so-called realist I.R. theory. It may or may not be the case that rational deliberation plays a more significant role, something assumed in neoliberal institutionalist I.R. theory. Some indications of the latter can be found in the proof gathered by Hjorthol.¹¹⁴⁷ He interviewed the former minister of defence, who refused to use the army against peaceful civil disobedients during the Alta-dam controversy. This, I discussed in the context of the mechanism of “asymmetrical interactive (de)escalation” above. The minister was Thorvald Stoltenberg, and as Hjorthol emphasizes, this person had been involved in international human rights legislation at the UN level. It is an empirical question as to whether he was already informed about the Sámi struggle for human rights at that time. There is not much transparency around the internal political struggles in the Norwegian Labor Party and the Norwegian Ministry of Foreign Affairs. What is for certain is that if one opens up the black box of “Norwegian foreign policy” one will find further particular pathways, that may, in turn, be further described in terms of internal strategy or internal deliberation. Again, as observed with regard to the previous mechanism, it might be the case that the non-militaristic faction within the ruling bloc succeeded in setting the policy agenda.

As the I.R. scholar Iver Neumann showed with his second doctorate, it is not impossible to conduct anthropological fieldwork among diplomats, though it is rather challenging for an ethnographer to gain access to their arenas.¹¹⁴⁸ International diplomacy between states and NGOs had a rather crucial impact on the struggle for indigenous rights in Sápmi, and therefore, more research on this process would be needed to gain better explanations of state transformation in the Alta and Deatnu River areas.

Table 13-4: *Another meso-mechanism*

<i>Diplomatic face saving (meso-mechanism)</i>
(i) Double standards of liberal state backfire ¹¹⁴⁹ in the face of own human rights breaches
(ii) Minority population experience human rights breaches, while majority remains ignorant
(iii) Diplomats are first under-informed, then informed about domestic human rights breaches

¹¹⁴⁷ Hjorthol 2006

¹¹⁴⁸ Neumann 2009

¹¹⁴⁹ When the double standards of the liberal state "backfire", it may be a particular form of the more general process that Keck & Sikkink (1998: 12, 102, 107) have characterised as "boomerang effect". (Thanks to Paul Routledge for the reference.)

13.3.4 A third meso-mechanism

Finally, I will suggest a neorealist mechanism that was not observed by Semb. She did not discuss the issue of unpredictability in strategical situations, what Clausewitz called “the fog of war”.¹¹⁵⁰ Regarding the two mechanisms she suggested, I have discussed how various strategical positions in the terrain imply different ways of being under-informed (path ii), and how such under-informed positions may inform particular state policies (path iii). Being *under-informed* is a chronic condition for strategic situations, and this has *real-world effects*, on forming the strategical theatres about which they are under-informed. Under-informed observation and analysis was integral to the tactical and strategic choices among police and protestors during the Alta-dam struggle (“asymmetrical interactive (de)escalation”), and the same was the case for the interaction between state diplomats and human rights organizations in the years that followed (“diplomatic face saving”). My discussion of this topic has touched upon one most controversial issue of under-information.

For the majority of citizens in Norway (Explanans 1), there is no question as to whether there exists a legitimate monopoly of coercive force. However, there is a minority of citizens for whom that is not the case. The moderate Sámi politician Magga mentioned that there existed some “militants” among the Sámi that his faction would not have been able to “keep in check” if the governing political bloc had mobilized the army.¹¹⁵¹ The public face of those militants, Niilas Somby, draws parallels not only to the Guovdageaidnu Uprising in 1852, but also to the partisans against occupation during the Second World War.¹¹⁵² The latter comparison would probably sound outrageous to most Norwegian citizens, perhaps including most Norwegian Sámi. However, what is interesting is that this form of communication appears to work in some contexts. The really difficult question is: What coercive force, if any at all, enjoyed *de facto* social legitimacy in Inner Sápmi during the Alta-dam conflict?

When I switched methods from qualitative interviews to participant observation, I gained some data here and there, which indicates that for some communities within the Finnmark Plateau, the use of police against non-violent civil disobedience in the area was not seen as law enforcement, but on the contrary as occupation. Consequently, for those communities, Somby’s sabotage action was not an extreme insurgent act, but on the contrary, a moderate defensive act. In fact, the only non-state group that used coercive force against humans was *Borgervernet*, the pro-dam action group, which claimed to be doing the job that the sheriff (*lensmann*) was hesitant to do. Thus, within the Alta Water Area, different persons at different locations had different intersubjective

¹¹⁵⁰ Clausewitz 1837: Book 1, Chapter 3, cited at http://en.wikipedia.org/wiki/Fog_of_war Last accessed 26. May 2014

¹¹⁵¹ *Aftenposten* 2011 (2006)

¹¹⁵² Larsen & Kalvemo 2010

experiences of practical reality, including diverging opinions on what uses of coercive force are legitimate, if any at all. Were the police used for law enforcement or for occupation? Did Niilas commit extremist, insurgent coercion or was it moderate, defensive coercion? To my knowledge, this difficult issue is not being publicly discussed, and thus, there is little attempt at deliberation about the issue. In the Norwegian language, I have found nothing, but for the sake of democratic deliberation, one may hope that at least the Northern Sámi media debate the issue. I have only observed one public statement that voices the minor practical reality regarding this issue, one street art piece. This was in the Arctic city that I knew under its Norwegian name, Tromsø, but while being there I learned that for some it may be called Romssa (in Northern Sámi) or Tromssa (in Kvän). Even though the majority of the citizenry remain ignorant of the minor practical reality (one component of Explanans 1), I do not think that the political class of the state formation is equally ignorant (one component of the Explanandum). This because the reality of legal or even jurisdictional pluralism was documented in the official reports from the Sámi Rights Commission, published by the Norwegian Ministry of Justice and the Police.

For the political elite, it must be challenging to keep balancing between the two poles of an asymmetrical political conflict: on the one hand, those who claim to protect *individual human rights* against “privileges” among a “minority” of citizens; on the other hand, those who push for *collective human rights* against “colonization” of an indigenous people and their homeland. Thus, the authority of the Norwegian Sámi Parliament is being subverted by two opposing camps: the Norwegian Progress Party (FrP) and the Sámi cultural revival movement (ČSV). In spite of their opposing stances, both camps are committed to human rights. On my travels, I met a man who voted FrP in the Sámi Parliament election, but then he learned more about the colonial history, and now he works together with ČSV activists. The disagreement between the two movements is whether or not colonization has taken place, while both of them push for human rights and against the ruling political elite. Therefore, when their activism is simply being stigmatized as “the two extremes”, it may save the political elite from a difficult public debate, exactly as when the Russian government labels human rights activists as “hooligans”. Such simplistic rhetorical moves could be explained by the geopolitical context (Explanans 1). After 1989, both NATO and CSTO claim to be engaged in unbounded wars against terror. Potential threats against the political systems are being framed as potential threats to the security of the nation. Russia uses the term “hooliganism”, Norway/NATO the term “radicalisation”.¹¹⁵³ In both cases, movements for fundamental systems transformation are being lumped together with armed groups and organized crime, a process known by constructivist I.R. scholars as “securitisation” of politics.¹¹⁵⁴ Those scholars quite correctly point

¹¹⁵³ Ahmhed 2014; Ballovara 2014; Langlais 1999

¹¹⁵⁴ Buzan, Wæver & Wilde 1998

out that the naïve realists among their colleagues are unaware that their concept of radicalisation is a source of confusion.¹¹⁵⁵ However, if we take the ultra-realist (strategic) position of Clausewitz, we may let the pendulum swing back to the realist pole, by redefining a “source of confusion” as a “weapon of psychological warfare”.

Path i: Regardless of the *intentions* of well-meaning police scientists (such as Tore Bjørgo), their research on so-called “radicalisation” may serve the (unintended) *function* of suppressing and silencing minor practical realities that are somehow troublesome for any regime. Thus, regardless of what mechanical or intentional reasons there might be for the terms “radicalisation” or “hooliganism” to exist, one of the functional reasons that those terms are still in use is certainly that they serve *strategical securitisation*. By silencing dissent and suppressing deliberation, this mechanism provides a direct path from the background variable to the dependent variable (i).

Path ii: The impact of Explanans 2 on Explanandum involves the divergent practical experiences of coercive force: the majority experienced the sabotage action as terrorism and the police action as law enforcement, while a minority experienced the police action as occupation and the sabotage action as militant social defence. Different groups within the population *experienced* coercion *differently*, as bodily experience, observed through the senses, but within *different* socio-material *situations*. (ii).

Path iii: Finally, the causal interaction between Explanans 1 and Explanans 2 reproduces similar divergent experiences: On the one hand the realist state scientist Semb is worried about challenges to a presumed monopoly of violence. On the other hand, the journalist Hjorthol is eager to show that this worry was ungrounded. However, no state-certified science so far has taken Somby’s perception seriously. (iii).

The research you are now reading, dear reader, is to my knowledge the only attempt by state-certified science so far to take Somby’s framing seriously, as an index of a particular intersubjective, empirical practical reality. When I suggest the mechanism of “strategic securitisation”, it has been formulated in ultra-realistic terms. I am *not* in favour of any *reductionistic* use of such ultra-realistic explanations. This is because the war against terror may only potentially function as a war against political dissent. Likewise, there is no reason that defence against such suppression would be bound to resort to coercive force, because it may very well be possible to use the repertoires that Gene Sharp calls “social defence”.¹¹⁵⁶ Indeed, the diverging social experiences about the legitimacy of institutional violence in the Alta and Deatnu Water Areas is in its entirety a conflict between different forms of norms and knowledge, and in no way a conflict between any competing attempts to impose institutional violence. This is because the *siida*-

¹¹⁵⁵ Sedgwick 2010

¹¹⁵⁶ Sharp 1973

system (which never fully disappeared) and the state-system (which was never fully consolidated) are not overlapping sovereignties (understood as monopolies of violence), but are complex jurisdictions (understood as normative orders). This is a feature of landscape ecology, but not of geo-strategical theatres. Such practical realities can be uncovered with institutinalist and constructivist tools (such as ANT and SES), but remain ignored by state-centred “realism” (such as the postmodern Machiavelli).

Table 13-5: *One more meso-mechanism*

<i>Strategical securitisation (meso-mechanism)</i>
(i) Securitisation of controversial claims silences particular experiences of practical reality
(ii) Human bodies experience coercion differently, if located in minority or majority territories
(iii) State-certified sciences ignore practical realities informing to clams that are “securitised”

13.3.5 One micro-mechanism

In order to complete the logical argument, and in order to complement the two micro-mechanisms that were identified empirically by my study, one might also make explicit the assumptions on micro-political mechanisms that are implicitly assumed when I have controlled for state-centred realism.

Path i: The mature Althusser borrowed the expression “creative Virtù” from Machiavelli, referring to the capability of identifying opportunities, and grabbing them, in order to combine various physical forces, and thus impose one’s will. Fortuna (Explanans 1) must be seized (i).

Path ii: However, the mature Althusser highlights that Machiavelli’s potential Prince must have cognitive capabilities in addition to practical ones. Fortuna must be found (Explanans 2) before she can be seized. Technically applicable (or experimentally valid) statements about the world constitute the “effective truth” (ii).

Path iii. Finally, the practical and cognitive capabilities of the potential Prince are closely integrated (interaction between Explanans 1 and Explanans 2). To find and to seize Fortuna are two sides of the same process. For aleatortory materialism, *reality* is itself a process: *practical reality*. To illustrate this, we could use the English verb “to realize” in a double sense: On the one hand, the tactical actor should decrease his lack of information, and *cognitively realize the potentials*, by perceiving them. On the other hand, the tactical actor must also execute actions to *practically realize the potentials*, by utilizing them (iii).

Table 13-6: *One micro-mechanism*

<i>Realizing the potentials (creative Virtù, micro-mechanism)</i>
i. combine existing physical forces in order to impose one's will
ii. cognitively realize potentials, as in perceiving them
iii. practically realize potentials, as in actualizing them

So how do we link action and structure? How is it that the actor with strong willpower and good cognitive and technical capability can empower his Virtù to form and stabilize Fortuna? Again, I conceptualise the means whereby constituent and constituted power operate as *praxis networks at the meso-level*.

- *Constituent, micropolitical* action equals “creative Virtù”, or the capability of finding and using opportunities, to combine forces, and thereby, to impose one's will.¹¹⁵⁷
- *Constituted macropolitical* structure equals “stabilized Fortuna”, and such an order is being constituted and policed by the total Virtù assembled as central node(s) of power.
- *The mediating meso-pathways* are vectors of matter-energy, each of them producing effects on other vectors of matter-energy, in an immense web of causation.¹¹⁵⁸

This conceptualisation of practice networks is strictly physicalistic, and as such, it differs from the sociological and ecological orientation in “adjacent action situations” (SES) and “actor-networks” (ANT). The physicalistic conceptualisation of practice networks comes from the mature Althusser's aleatory materialism, and builds on his adaptation of Deleuze and Guattari.¹¹⁵⁹ I think these *physicalistic practice networks* may be used to explain all the three meso-mechanisms discussed above, in a similar manner to how *social-ecological practice networks* were used to explain the mechanisms that I identified in my own empirical chapters.

In the final analysis, the postmodern Machiavelli reduces the sociological and ecological factors to *stochastic physicalistic forces*. These are the most particular “nuts and bolts” of this clear-cut state-centred realism. In the final analysis, it reduces everything to physical force, though with a stochastic understanding of physics. That is very different from the concepts I mobilised in my own empirical chapters, where the nuts and bolts, at the end of the day, are concepts about *intersubjective deliberation*, situated within particular *socio-ecological environments*.¹¹⁶⁰ Therefore,

¹¹⁵⁷ Althusser 1998

¹¹⁵⁸ De Landa 1997

¹¹⁵⁹ While the Marxist, early Althusser informed Deleuze & Guattari (1980), they in turn informed the post-marxist, mature Althusser (Holland 2013: 141). De Landa (1997) builds on Althusser's reading of Deleuze & Guattari (1980).

¹¹⁶⁰ This re-actualizes the question of what kind of matter the *various* forms of *geographcial scales* are made from. Part 12.3.4 elaborated on how this is explained in the empirical parts of this thesis, where *political geography* (explanandum) is adapted to *landscape geography* (explanans) through praxes nets (intervening causal factor or mechanism). This, however, has been different in the present chapter, because of another choice of theoretical concepts. Here it has

those are two strictly different explanations of how meso-political action networks emerge. Some believe that it makes sense to reduce sociological, biological and chemical factors to physicalistic ones. Others believe that each of those realms of knowledge include mechanisms that are irreducible to the others. I will remind the reader about “the principle of complementarity” as it was formulated by Niels Bohr.¹¹⁶¹

13.4.0 Negative findings: some possible residuals

Regarding the attempt to control my own biases, I have introduced some selected studies from state-centred realism, and some selected information about the general geo-strategical environment. Here, I have used all the existing research that I know about, but I am not familiar enough with state-centred realism to suggest further research within that field. However, I do observe some particular limitations to my own observations:

a) My discussion of the geo-strategical context is not very systematic, and I am far from well informed about military science. I have mostly based myself on two maps: One, the theory about the Eurasian Heartland, is one of the old classics in geo-strategy, presented in all standard textbooks. Another, the map over Norwegian territorial waters, is a publicly well-known issue, and the map can be freely downloaded from the Internet. One relevant question to ask might have been the relative importance of geo-strategical theatres versus landscape ecology, in order to give an accurate description of the actual opportunity structure that has enabled the particular state transformation to take place. In less abstract terms: It may be that the relative success of the Sámi rights movement, compared to other indigenous rights movements, may be partly explained by the

been inquired how the same political geography (explanandum) has been adapted to *geostrategical theatres* (explanandum), also here mediated by praxis nets (intervening causal factor or mechanism). Such theatres also take place at various scales, from the most particular tactical situation to the global geopolitical game. Their spatial scope is defined *instrumentally*. The definition of spatial scope is a technology of war. Similarly, a footnote to part 12.3.4 addressed the *pragmatism* involved in the definition of analytical system boundaries for socio-ecological analysis, as well as the claim of territorial jurisdiction under administrative hierarchies. Thus, the definition of spatial scope is a technology for the management of landscape and population. From the viewpoint of the postmodern Machavelli, all this can be reduced to tactical or strategical interventions (Virtù) into an opportunity structure of physical forces known and unknown (Fortuna). The assumption then is that all geographical scales, in theory, may be dissected into vectors of matter-energy, influencing each other in a complex web of causation (De Landa 1997), thus giving rise to various spatio-temporal formations (Deleuze & Guattari 1980: Chpt. XII-XIII).

¹¹⁶¹ Bohr 1938. Especially relevant is his interest for what we today would call "emergent properties": physical processes partly explain biological processes, but these also possess some emergent properties on their own, and similarly, biological processes partly explain sociological processes, but also these possess some emergent properties on their own. Consequently, natural resources management involve sociological, biological and physical explanations. The logic is similar to how the physiology of neurons involves different explanations from cell biology, chemistry and electrophysics (Machamer, Darden & Craver 2000).

general absence of war in this area after 1945, or alternatively, by the specific terror balance between the two military blocs whose frontier is within the heartland of the Sámi homeland. The question may be if the relative position of the Sámi cultural heartland in relation to the Eurasian strategic heartland is a principal explanation of the relative success of the Sámi rights movement, compared to other indigenous rights movements. It may be that such questions are doomed to remain questions of theoretical speculation. If not, some indicators may perhaps be gained by conducting some most-different case comparisons with other indigenous rights struggles.

b) My discussion has suggested that the host states in Sápmi have not established *de facto* legitimacy for institutional violence within their territories. One suggested reason is the long history of unclear boundaries and geopolitical competition between the states, in Sápmi as in the entirety of Eastern Europe. Whether that is a relevant explanation or not, I claim that there is an actual jurisdictional pluralism in Sápmi, where local customs are *de facto* being respected even though they are not supported with any coercive forms of policing or defence. Thus, I have suggested that it is an empirical question what coercive force, if any at all, might enjoy social legitimacy in the various indigenous areas. This is certainly a controversial suggestion. The statement could, at least in theory, be empirically tested. Still, one must expect that it would be methodologically challenging to acquire any reliable indicators on the degree of social legitimacy of institutional violence, alternatively the degree of social legitimacy of Niilas Somby's sabotage action, alternatively the degree of social legitimacy of no coercion at all, in the various areas.

Personally, I am skeptical regarding the researchability of those questions, so I do not care to suggest any issues for further research regarding the so-called "realist" research on state transformation in the High North. Anyway, I have already concluded that I think this approach, if taken in isolation from other explanatory models, is reductionistic and directly unrealistic.

13.5.0 Shortcomings of the alternative perspective?

In order to control for the bias of wishful thinking in my own research, I have engaged in a discussion about alternative explanations from the literature of state-centred realism. In particular one article by Anne Jule Semb suggests two mechanisms to explain why the Alta-dam controversy appears to have caused the implementation of indigenous rights in some areas of "Norwegian" Sápmi. Another article by the same author suggests an overview of the geopolitical consequences. Thus, she has suggested two meso-political mechanisms and one macro-political mechanism. Her

research had gone on in parallel with, and isolated from, what I have called the “canonical” historical research on the issue, upon which I myself have built further.

In this theoretical discussion, I have discussed the relevance of Semb’s observations, in light of the proof provided by the other research. However, in order to control for the possible bias of wishful thinking, I have followed Morgenthau and Chomsky, two critical realists who insist on keeping a conceptual distinction between coercive force and normative justification.¹¹⁶² For this reason, this chapter has taken a (strategic) theoretical position that is *even more “realist”* than Semb’s own position, harking back to Clausewitz, with his “fog of war”, and Althusser’s “aleatory materialism”.¹¹⁶³

I conclude that the two meso-political mechanisms and the one macro-political mechanism suggested by Semb indeed have relevance, but additionally, that her mechanisms are *not* sensitive enough to the cynicism of her own realist tradition, *nor* are they sensitive to the competing explanations provided by other empirical studies applying competing theoretical traditions. This is in line with the ethical-strategical suggestions from Morgenthau and Chomsky.

Thus, I suggest some slightly different interpretations of the three mechanisms that were suggested by Semb, and in addition, I add two more. These five mechanisms refer to empirical pathways that are of relevance to a purely reductionistic version of state-centred realism. Regarding these four mechanisms in isolation would be highly biased, but they provide a useful supplement to the eight other mechanisms that I have identified, which uncover quite different empirical realities. They should all be combined in order to develop a really *realistic* explanation of state transformation in the High North.

If landscape ecology and collective action (the preferred view) did not matter, while geo-strategical theatres and coercive force (the competing view) did matter, then the five mechanisms identified in the present chapter would hold currency, while the eight mechanisms I found in my empirical chapters would be irrelevant. The clear-cut state-centred realism is useful to address issues of institutional violence, a topic that was ignored in my own empirical studies. However, the clear-cut state-centred realism cannot discover any sources of order outside the effects of physical forces. From this particular (and one-sided) viewpoint, moral or legal orders can only exist as a side effect of relatively stabilized Fortuna or relatively stabilized geo-strategical theatres. One implication is that Fortuna cannot ever become fully fixed. Another implication is that indigenous peoples cannot have real laws if their stateless political systems do not include their own systems for coercive policing and defence. This clear-cut state-centred “realism” is so one-sided that I hope that no-one would believe that this is how the world actually works. The chosen perspective may be

¹¹⁶² Morgenthau 1970; Chomsky 1969

¹¹⁶³ Clausewitz 1937; Althusser 1998; De Landa 1997

a caricature, but it is no straw man argument, since the purpose is to isolate variables in order to control for them.

This is the “evil twin” of the socio-ecological meso-theories of Latour and Ostrom, which I have used to describe the pathways identified in my own research. Thus, we have *two competing theoretical articulations* of socio-material praxis nets: one in terms of physical coercion, another in terms of customary praxes and knowledge praxes within socio-ecological settings. When I present those as two rival explanations, the purpose is not to reject one in order to choose the other, but to isolate the explanatory force of coercive force, in order to help the practical purpose of keeping violence limited and contained.

14.0.0 COMPLEMENTARY EXPLANATIONS: CRITICAL REALISM

14.1.0 Summa summarum

Finally, time is ripe to summarize the findings of this inquiry into the art and science of constituent power. This will be done by summarizing the two previous chapters.

Chapter 12 summarized all the positive and negative findings that were made throughout the empirical Chapters 5-11. The purpose was to present the observations within a consistent argument. The focus was on constituent collective action and constituted landscape geography, what Elinor Ostrom characterizes as the “new theory” of natural resources management.¹¹⁶⁴ However, when discussing one of the observed mechanisms, namely “arguments matter, resources decide”, I concluded that one-sided use of the social-ecological perspective might run the *risk of naïve idealism*.

Chapter 13 presented and discussed the alternative explanations that have been observed by colleagues with a perspective from within the rival tradition. Chapter 3 defined this tradition as what Ostrom calls the “old theory”, which she associates with Hobbes and Hardin.¹¹⁶⁵ I reviewed empirical findings, but argued that those are better interpreted if one leaves norms to those who are experts on that subject, namely constructivists and institutionalists, and keeping political cynicism clear-cut. I contest the “neo-liberal neo-realism” synthesis, because the mixing of *coercion* and *justification* may feed *dangerously naïve realism*.¹¹⁶⁶

Summa summarum, the present Chapter 14 attempts to avoid the two symmetrical pitfalls of naïve idealism and naïve realism, and approach towards *critical realism*. Thus I will draw a few conclusions on the basis of my own positive and negative findings, as well as the observations made by my colleagues within the rival tradition. (My own findings are of course indebted to colleagues within my own tradition.) The present chapter will start out in a reader un-friendly way, by addressing negative findings, in a rather counter-intuitive way. Thereafter, the chapter proceeds with a rather easier to stomach summary of positive findings, the possible explanatory mechanisms. This leads to a presentation of the emerging research approach, and finally I draw some conclusions for the art and science of social movements: first their practical action; and then, the research that serves that end.

¹¹⁶⁴ Ostrom, Walker & Gardner 1992

¹¹⁶⁵ *ibidem*

¹¹⁶⁶ Morgenthau 1970; Chomsky 1969

14.2.0 Main findings

14.2.1 Negative findings: reproduction of colonial bias?

The constituent power of knowledge praxes poses special methodological challenges for political research. I discussed this issue in Chapter 4. It led me to try to bring the critique of ideology back in, and to emulate the quantitative researchers in their estimation of measurement errors.

Throughout the empirical chapters, I have tried to observe some of the limitations of my own observational capacity, similarly to how the quantitative researcher estimates measurement errors. The result was discussed in Chapter 12, and the result was not encouraging. It appeared to me that there is a great deal of colonial bias that remains to be overcome, not only in the discipline at large, and in the research to which I contribute, but in my particular contribution as well.

There has been an ongoing attempt at *internal decolonisation* within the political and social sciences themselves, at least since Antonio Gramsci's seminal essay "The Southern Question".¹¹⁶⁷ Stein Rokkan took an interest in regionalist movements as a response to the debate about "internal colonialism".¹¹⁶⁸ Per Otnes was among the first social scientists to research decolonisation in Sápmi.¹¹⁶⁹ As the postcolonial historian Chakrabarty observes, a decolonised historiography is not created overnight.¹¹⁷⁰ On the one hand, colonial historiography had a systematic bias. On the other hand, this is the discipline that we further develop, through laborious empirical investigation of under-researched issues, the one after the other. Consequently, no-one yet possesses a really decolonised historiographical knowledge. Decolonising is an open-ended and maybe endless effort, because the best we can do (as with all science) is to *decrease our collective ignorance*.

Gradual democratization and decolonisation have led to new political practice, but also to renewed political knowledge.¹¹⁷¹ For the attempts to decolonize political science and practice, an issue of special relevance is the systematic *spatial selection bias*: the political history of former colonial states, traced in isolation from their historical interdependency with their former colonies, is being (mis)used to draw general conclusions about processes of democratization in postcolonial areas as well.¹¹⁷² Consequently, political ideologies of development were used to justify ethnic discrimination and territorial colonization, and thus, to impose the underdevelopment they were supposed to fix.¹¹⁷³

¹¹⁶⁷ Gramsci 1930; Spivak 1988; Capuzzo & Mezzadra 2012

¹¹⁶⁸ Rokkan & Urwin 1982: 2; for the democratisation of political science see Rokkan 1970: 13

¹¹⁶⁹ Otnes 1970

¹¹⁷⁰ Chakrabarty 2000

¹¹⁷¹ Rokkan 1970:13; De Brito, Enriques and Aguilar 2001

¹¹⁷² Sidaway 2008

¹¹⁷³ Hulme & Turner 1990; Wolf 2010 (1982); Scott 1998; Cordoso & Faletto 2003 (1969)

Collective ignorance follows collective knowledge as a shadow, and such ignorance may be functional for the social reproduction of structurally unequal opportunities. Bourdieu and Passeron used the metaphor “symbolic violence” to describe how biased school syllabi might contribute to maintaining highly unequal life chances.¹¹⁷⁴ There is no doubt that during the age of eugenic policies, the Norwegian school system was used as a tool for the control and assimilation of indigenous peoples and national minorities.¹¹⁷⁵ In my empirical Chapters 10 and 11, the argument was that outdated science from the age of eugenic and nationalist policies still circulates as popular myth, and that this hampers the struggle for indigenous human rights in Coastal Sápmi. If this is correct, then residual colonial bias contributes to the reproduction of structurally unequal life chances. This has concrete consequences for the livelihoods of human bodies, and it is exactly the kind of process that Bourdieu and Passeron describe with the metaphor “symbolic violence”. Thus, it might not be incorrect to characterise residual colonial bias as a form of symbolic violence. However, I have also argued that the decolonisation of political and social science is an open-ended and perhaps endless endeavour. If also this is correct, then it means that the discipline is not only a body of collective knowledge, but at the same time also a body of collective ignorance, and that our open-ended effort to overcome this ignorance is an open-ended effort to overcome symbolic violence. During this research project, I have *tried to seek* methods and concepts for a *non-violent political science*, but *instead I found colonial heritage reproduced* through the limitations of my own formation.

The constituted and constituent power of political science is a *double-edged sword*. This metaphor combines the two rival theories: the ice-cold instrumentalism of the postmodern Machiavelli; and the probabilism and possibilism of SES and ANT. The double-edged-ness of political science is not due to its dual nature as a constituted knowledge discipline (or scholasticism) and as a constituent proof finding practice (or enlightenment), it is more subtle than that: On the one hand, historical path dependency causes the the research practice to contribute to the reproduction of historical biases, collective ignorance: symbolic violence. On the other hand, the discipline nevertheless maintains and opens up some limited opportunities for prefigurative enlightenment.

14.2.1 Positive findings: twelve possible mechanisms

In total, this study has suggested 12 possible mechanisms, by tracing some of the macro pathways within the ongoing process of state transformation during four selected decades, within two selected

¹¹⁷⁴ Bourdieu & Passeron 1970

¹¹⁷⁵ Minde 2005a

water areas (table).

Mechanisms 1-7 were identified in my own empirical research, presented in Chapters 5-11. In this study, I selected data about socio-ecological factors, which may be explained in terms of customary praxes and environmental landscape geography,¹¹⁷⁶ or knowledge praxes and humanistic landscape geography.¹¹⁷⁷ With this priority, I build further on the already established “canonical narrative”, from history, anthropology, and the legal investigations undertaken by the Sámi Rights Commission. This major tradition is entangled with human rights policies.

However, this whole tradition is parallel and separate from a smaller body of literature, which tends to select data about coercive force and strategic *Realpolitik*, and seek explanations in terms of neorealism and geo-strategy. The publicly accessible part of this literature has been produced within the discipline of state science (*statsvitenskap*), and through its access to archival sources, it is socially close to law enforcement. This minor tradition seems to be entangled with public security policies.

The relative compartmentalisation and specialization between those bodies of literature indicates that there exist competing theories on the same process of state transformation. Even though the *former tendency* is dominant among academic specialists, one should not underestimate the impact that the *latter tendency* may have within more closed policy institutions. Since I had operated within one tradition and not the other, I saw a need to compare my own (selective) observations with the (selective) observations provided by the competing theory.

Table 14-1: The mechanisms discussed in this study

	<i>Mechanisms from empirical chapters</i>	<i>Mechanisms from theoretical discussion</i>
Macro: structure	1. Ecological adaptation of state 2. Maintaining parallel order	I. Geo-strategical fortunes (stabilized Fortuna)
Meso: praxis nets	3. Ambiguous adaptations 4. Struggle to define present hegemony 5. Struggle for future agenda-setting 6. Resources decide *	II. Asymmetrical interactive (de)escalation III. Diplomatic face saving IV. Strategical securitisation *
Micro: action	7. Mobilize resources and frames	V. Realize the potentials (creative Virtù)

*) Note: these two mechanisms need special caution and care from transformative movements

Mechanisms I-V were formulated by using the published research from the competing theory. Those were carefully re-interpreted in the context of some relevant data included in my own study, and some data taken from earlier historical and anthropological studies. In this re-

¹¹⁷⁶ McGinnis & Ostrom 2012; Klemsdal 2000

¹¹⁷⁷ Law & Singleton 2012; Olwig 2002

interpretation, I also tried to maintain a conceptual distinction between coercive force and normative justification, following on from the ethical-strategical advice of Morgenthau and Chomsky.¹¹⁷⁸ Thus, I reserve the study of norms to those who are specialized in that domain: human rights lawyers and the mainstream tradition. However, I also suggest that the so-called realists should have placed even more emphasis on what they supposedly are specialized in, namely cynical strategical analysis. As a result, I suggest that the existing explanation from state-centred realism must be qualified, but still, this perspective appears to be sensitive to some actual empirical pathways that had been ignored by myself and others from the main tradition.

Those two sets of possible mechanisms are complementary. Taking one set in isolation may lead to explanations that are unnecessary biased. *Mechanisms I-7* were observed in my own empirical research, and this research builds further on the mainstream tradition, with its tendency to select data on socio-ecological factors. However, in this tradition, we may run the risk of wishful thinking by overlooking *Realpolitik* and coercive force. *Mechanisms I-V* deal with exactly those factors, which are the speciality of state-centred “realists”. This camp, however, runs the risk of overlooking actual jurisdiction whenever this does not emerge from coercive force.

Ignoring *Realpolitik* may be counter-productive in a region that is divided under four host states. Still, it is definitely no more fruitful to ignore the existence of informal customary praxes and knowledge praxes when the region in question is the traditional territory of an indigenous people. In the table above, there is only one macro-mechanism provided by state-centred realism, while two are provided by the socio-ecological perspective. This is simply because, for state-centred realism, there is no valid source of law outside a coercive apparatus. Therefore, the assumption is that indigenous people live in *Terra Nullius*, a land to legally colonize, a state of nature without institutions. That is an old colonialist lie. State-centred realism, if taken alone, is simply unrealistic.

Therefore, in sum, I think it is correct to critically incorporate the empirical findings from the minor research tradition, the one affiliated with public security policies, even though I think the main focus should still be on the findings from the major research tradition, the one serving human rights policies. Even though both bodies of knowledge remain provisional and unfinished, they may nevertheless provide knowledge bases that are *complementary* in Niels Bohr’s sense.¹¹⁷⁹ Both schools remain limited by the residual colonial bias that remains to be overcome, but by combining the findings from both of them, it may be possible to decrease two risky biases: The major research tradition should avoid the potential bias of wishful thinking; the minor tradition should avoid being ignorant of the actual socio-ecological diversity.

¹¹⁷⁸ Morgenthau 1970; Chomsky 1969

¹¹⁷⁹ Bohr 1938

14.3.0 Emerging composite approach

14.3.1 Outcome of abductive-participatory research

The selection of data items, and the selection of coding categories, unfolded through a dialogical process, which was abductive and participatory. Through this process, a composite approach to state (trans)formation emerged. When I wandered along the Deatnu River, I came across various tools on the way: fishing nets and the SES framework, underwater cameras and the ANT network, veterans from UNIFIL and the postmodern Machiavelli. I picked up the tools I found along the road, and mobilized them as resources to empower my critical inquiry. By being in the field, I adapted coding categories that were at home in the field. A summary is given in Table 14-2.

Table 14-2: A composite explanatory framework

Focus	Meta-theory	Methodology
Reduction to political-economic dimension	Reduction to <i>material customary praxes</i> , institutionalism (SES) ¹¹⁸⁰	Nomothetical inquiry, progress of conjectures / refutations (Popper) ¹¹⁸¹
Reduction to political-semiotic dimension	Reduction to <i>material knowledge praxes</i> , constructivism (ANT) ¹¹⁸²	Ideographic inquiry, to destabilize ideological myths (Derrida) ¹¹⁸³
Reduction to political-military dimension	Reduction to <i>physical force</i> , realism (postmodern Machiavelli) ¹¹⁸⁴	Ice-cold instrumentalism: “the effective truth” (postmodern Machiavelli) ¹¹⁸⁵
Non-reductionism: the “principle of complementarity” ¹¹⁸⁶	Distinction: cooperation (SES, ANT) VS. command (Machiavelli) ¹¹⁸⁷	Critical realism: <i>Doxa</i> is co-determined by structural violence ¹¹⁸⁸

Table 14-2 provides a schematic overview of the *emerging composite approach* and how it is being applied to explain the Explanandum. The *two first lines* in the model characterize most of the research that I have undertaken with my empirical case studies. Those two lines may be characterized as a combination of institutionalist and constructivist political science (the SES framework and the ANT approach). The *third line* shows the so-called realist models used in some of the existing literature (the postmodern Machiavelli), which I have taken into account in an

¹¹⁸⁰ McGinnis & Ostrom 2012

¹¹⁸¹ Popper 2002 (1963)

¹¹⁸² Law & Singleton 2012

¹¹⁸³ Derrida 1967

¹¹⁸⁴ Althusser 1998 (Norwegian translation: Althusser 2003)

¹¹⁸⁵ Re-readings of Machiavelli have been a particular tendency within Marxian and post-Marxist theory. Gramsci’s re-reading was used to develop a strategy for the presumed “proletarian party” as a “modern Prince” (Gramsci (2012 (1932-4)). Althusser’s re-reading continues in the same tradition, but after the ideology of a “proletarian party” had become hard to maintain (Althusser 1998; Althusser 2003). In my view, the implication is that networked politics and warfare may constitute “postmodern Princes”.

¹¹⁸⁶ Bohr 1938

¹¹⁸⁷ Ostrom, Walker & Gardner 1992; Negri 2002 (1992): 409; Morgenthau 1970; Chomsky 1969; Gordon 2007: 78-108

¹¹⁸⁸ Bourdieu 1977

attempt to control for my own bias as an organic intellectual. The *fourth line* indicates how I have tried to combine the three approaches.

With this emerging approach have combined multiple perspectives or models regarding one and the same matter, namely: *socio-material praxis networks that mediate between (constituent) micro action and (constituted) macro formations*.

Praxis networks are located at a sociological meso-level, and function as channels, media or pathways for the functioning of constituent micro action and constituted macro order. In my own *empirical research*, I have mixed two of three perspectives: SES and ANT, which highlight *political-economic* and *political-semiotic* dimensions. However, in *the final theoretical discussion*, I have drawn on the research of others, to discuss the third perspective: the postmodern Machiavelli, which highlights the *political-military* dimension.

- For mechanisms 1-8, praxis nets are traced in terms of SES and ANT combined
- For mechanisms, I-V, praxis nets are traced in terms of the postmodern Machiavelli

In sum, I have maintained the ethical and strategical distinction between different components of state (trans)formation: On the one hand the political-economic and political semiotic dimensions; on the other hand the political-military dimension.

In Table 14-3 (see below), the column called “Explanans 1” represents the *geographical* conceptualisation of constituted order or opportunity structure, while the column “Paths i, ii, iii” represents the *praxiological* conceptualisation of constituent praxes or social movement action.¹¹⁸⁹

Those views were presented in 3.2.0 and 3.3.0, as response to Routledge's term “terrains of hegemony and resistance” (introduced in 2.2.0) and Della Porta's models of mutual causation between social movement action and opportunity structure (introduced in 2.3.0). My distinction between SES and ANT on the one hand, and the clear-cut neo-Machiavellian view on the other hand, correspond with distinctions made by the two mentioned authors. Routledge draws a pragmatic distinction between non-violent and violent social movements within the Indian Subcontinent (though both are facing institutional violence).¹¹⁹⁰ Similarly, della Porta has applied the model of mutual causation to inquire after two different issues: the mutually reinforcing dynamic of political democratisation and social mobilisation, but also the mutual escalation between protest policing and

¹¹⁸⁹ This political sociology is meant to be sensitive to the material embeddedness of social action: the “socio-material”. For a definition of the “socio-material”, see Østerberg (2011) and Otnes (1997). For a brief intellectual history of this concept, see part 3.3.1, in particular the long footnote about *materialist praxeology*. My own sociological training was within the same tradition, with Otnes as my supervisor and Østerberg being strongly influential. My own work has developed towards a combination of neopositivist and poststructuralist tendencies (Jensen 2000, 2002, 2013), under influence from Bhaskar (1983), and thus, the present chapter has referred to Bohr (1938) and Popper (2002 [1963]) as metatheoretical and methodological foundation. Nevertheless, I remain deeply indebted to my teachers, firstly Otnes, secondly Østerberg (See part 3.3.1, in particular the footnote about materialist praxeology.)

¹¹⁹⁰ Routledge 1993

political violence.¹¹⁹¹ (Still, both non-violent and violent movements are facing institutional violence.) When taken together, della Porta and Routledge already offer an empirically oriented orientation, where *micro*-action is traced praxiologically, while *macro*-order is mapped geographically. Additionally, it is conventional wisdom in social movement studies to approach the sociological *meso*-level in terms of networked action.¹¹⁹²

What is more unusual, is to see the constitution of such networks as *constituent praxes*, which in turn may constitute transformations of the *constituted order*. It is not easy to trace constituent power through a complex web of causation, so this will have to be a collective endeavour. Empirically, a *seed was sown* by della Porta and Piazza in their study on how some environmental movements may “create communities”.¹¹⁹³ Theoretically, *the soil was prepared* by the lawyers Bailey and Mattei, who conceptualised social movements as constituent power.¹¹⁹⁴ My own study *waters the germ*, by specifying hypotheses about a few of the possible causal paths whereby environmental justice movements in general (and indigenous rights movements in particular) might empower themselves to re-constitute their political environment. I have tried to observe how environmental justice movements may sow seeds of sprawling change through concrete action (micro), how they may nurture germs of change sprawling through socio-material networks (meso), and eventually, how they perhaps might cultivate a new order (macro).

14.3.2 Relevance for the discipline?

With this composite approach, I try to avoid reductionistic, one-sided explanations, but it is also different from the “holistic” ambitions among political scientists from the earlier generations. As heretics within two old paradigms, Structure-Functionalism and Marxist-Leninism, Stein Rokkan and Antonio Gramsci ended up with more or less identical sets of explanatory factors: the *economic*, the *semiotic* and the *coercive*. Both of them defined the *coercive factor* as including both the *military* and the *political system*.¹¹⁹⁵ Such a pre-definition of the political as being contained within coercive force is far too restrictive, and far too fatalistic. This pre-definition of the political is problematic in at least two ways: *Firstly*, it ignores the constituent power of knowledge praxes and customary praxes, what I have called prefigurative enlightenment and prefigurative satyagraha. This ignorance makes it appear as if coercive force is the only path to constituent power, or as if a

¹¹⁹¹ Della Porta 2013: 18-21; della Porta 2014: 14-22

¹¹⁹² Staggenborg 2002

¹¹⁹³ Della Porta & Piazza 2008

¹¹⁹⁴ Bailey & Mattei 2012

¹¹⁹⁵ Rokkan & Urwin 1982: 15 (also in Rokkan & Flora 1999: 118); Rokkan & Urwin 1982; Gramsci according to Cini 2012: 31-33 and Routledge 1993: 29; see also Steiner 2010

prefigurative war-of-position is a shining path to a bright future. *Secondly*, it ignores the fact that indigenous peoples may have well established property regimes, also in the absence of coercive force. This ignorance makes it appear as if the colonial *Terra Nullius* doctrine had its roots in empirical fact. *Thirdly*, it ignores the fact that a state formation includes a heterogeneous body of codified laws and a heterogeneous body of certified knowledge, and that these may be possible to re-constitute independently of the monopoly of violence. This ignorance makes it appear as if a military coup would be the most effective way to revolutionize a political system. *Those three biases* are all challenged by practical experience from the ongoing decolonisation in Sápmi. The reports from the Norwegian Sámi Rights Commission demonstrate that there has been a continuous situation of *de facto* legal pluralism in many areas of Sápmi, regardless of attempted *de jure* colonisation by the states. Through the actual use of natural resources, local people have continuously maintained and developed the longstanding customary praxes and knowledge praxes that were inherited from the ancient *siida* system. Thus, the state system was never quite consolidated, and the *siida* system never quite disappeared, but the indigenous people have refrained from answering violence with violence, and also, there has been sustainable usage of natural resources until recently. The relative success of the indigenous human rights struggle in Sápmi is a strong indicator that it might be possible to obtain fundamental systems transformation through the constituent power of customary praxes and knowledge praxes. The empirical parts of my thesis furnish some of the proof in this regard. The practical experience from decolonisation in Sápmi demonstrates that it is highly biased if the political science of state (trans)formation lumps the political and the military together. Politics and political systems formation do not only belong to the coercive dimension, but equally to the economic and semiotic dimensions. Rokkan and Gramsci were correct to operate with a political-military dimension, but they should also have been observant of the political-economic and political-semiotic dimensions as relatively independent explanatory factors. On the one hand, those two authors were encumbered with a residual Hobbesian bias that made them ignorant about the transformative power of social movements, and the actual legal orders of indigenous peoples. On the other hand, the same two authors cared greatly about resource grabbing from the provinces, empowerment of the subaltern classes, and internal decolonisation of political science and practice.¹¹⁹⁶ Those classics of political science *prefigured* the ongoing decolonisation of the discipline, but this endeavour remained *even more unfinished* at their time than it is today. I have attempted to furnish a further contribution in the same direction. However, the *negative findings* in my empirical chapters indicate that there are still many colonial biases that remain to be hurdled, and we can only gradually address each one of them. With

¹¹⁹⁶ Gramsci 1930; Rokkan & Urwin 1982: 2; for the democratization of political science see Rokkan 1970: 13

laborious empirical research, it may be possible to prefigure a potentially decolonised political science of the future. Postcolonial and subaltern studies in the present generation are more acutely aware of ideological bias than what Gramsci and Rokkan were,¹¹⁹⁷ because of the increased awareness of the constituent power of rights and proofs. Political science is in itself political practice.

The composite approach that emerges from my study is different from Gramsci and Rokkan, in two ways: *Firstly*, constituent practice and constituted order are not only seen as a matter of coercive force, but also as a matter of customary praxes and knowledge praxes.¹¹⁹⁸ *Secondly*, and connected with the first point, there is a more acute awareness of the constituent power of political science, and therefore also of its positionally, uncertainty, limitations and symbolic violence.¹¹⁹⁹ *In sum*, my composite approach leaves behind the holistic ambition found in Rokkan and Gramsci, but instead, I adapt the principles of uncertainty and complementarity from Niels Bohr, as well as the pragmatic distinction between coercive force and social justification, from Chomsky and Morgenthau (Table 14-3).

¹¹⁹⁷ See for example Chakrabarty 2000

¹¹⁹⁸ For further discussions on this issue, see part 3.3.2, in particular the footnote with *notes on Gramsci*. See also part 7.2.2 for a discussion of how, during the Alta-dam controversy, *coercion* and *consent* were involved in the struggle for the capacity to define the social hegemony. See also part 14.3.2, in particular the footnote *reflections on nonviolence*; and part 14.4.1, in particular the footnote *reflections on structural violence*. (Thanks to Paul Routledge for inviting me to elaborate on this issue.) Though I deny that coercive force has any preveleged position as an explanation of constituent power, I cannot deny that it is one of the relevant factors, alongside norms (customary praxes) and perceptions (knowledge praxes). Even non-violent transformative movements have to consider the potential power of violent force, because they might be met by suppressive violence, which in turn might breed insurgent violence. For a consideration of ethical consequences for research design, see part 4.2.2.

¹¹⁹⁹ In this research I have based myself on a *standpoint theory* of knowledge (Stengers 1999 (1997)), and its affinities within the neo-positivist SES framework, the post-structuralist ANT approach, and the instrumentalistic, postmodern Machiavelli. Thus, the search for proof is seen as one of the paths to constituent power. Consequently, this understanding of knowledge praxes informs my framing of the *object of observation* (Explanans 2) as well as the *act of observing* (the research design). On the one hand, knowledge and power within the *object* of observation include popular "spatial imaginaries" (Wolford 2004), developed by fisher-peasants during their subsistence practices. For more on this, see the long footnote in part 3.4.0. On the other hand, the issue of knowledge and power in the *act* of observing has led me to seek critique of ideology through conjectures and refutations, by a participatory and abductive approach. For a consideration about methodological consequences for research design, see part 4.2.3.

Table 14-3: The dimensions of state (trans)formation according to the composite approach

Explanandum	Explanans 1	Explanans 2	Mechanisms
Body politic as a body of codified law	Environmental landscape geography ¹²⁰⁰	Decrease in collective ignorance ¹²⁰¹	Praxis nets as "adjacent action situations" (SES) ¹²⁰²
Body politic as a body of certified knowledge	Humanistic landscape geography ¹²⁰³	Destabilization of collective myths ¹²⁰⁴	Praxis nets as "actor-networks" (ANT) ¹²⁰⁵
Body politic as monopoly of coercive force	Classical and critical geopolitics ¹²⁰⁶	The effective truth(s): plural instrumentalism ¹²⁰⁷	Praxis nets as network warfare (Machiavelli) ¹²⁰⁸
Body politic as heterogeneous assemblage ¹²⁰⁹	Regional geography: no isolated causal factor ¹²¹⁰	Collective ignorance is symbolic violence ¹²¹¹	Praxis nets as totality of human existence ¹²¹²

¹²⁰⁰ SES is one of several approaches (Evans & Manson 2007) within a wider field of *landscape geography* research from an *environmental science* viewpoint (Klemsdal 2000; Johnston et. al 2014).

¹²⁰¹ SES implies a *nomothetical and probabilistic* approach to *knowledge praxes* (Ostrom 2007), and regarding the politics of knowledge, it includes consideration about "regimes of information" as an *object* of study (Ekiba & Evans 2009), as well as the usage of normative "evaluation models" during the *act* of observation (Manson 2007).

¹²⁰² SES implies an ecological model regarding the *emergence of scale* (Ostrom 2005: 58-64, 290-291), and in an attempt to research institutional change (McGinnis 2011a) has suggested to trace "networks of adjacent action situations", including knowledge praxes, but this concept, however, remains "a beta-version" on experimental stage, and has not been included in the latest "official release" of the SES framework (McGinnis & Ostrom 2012).

¹²⁰³ ANT is one of several tools (Mezger 2014b) used within the wide category of *landscape geography* research within the *humanities* (Olwig 2002, Ingold 1986; Ingold 1995; Makhzoumi & Pungetti 1999; Jensen 2002).

¹²⁰⁴ ANT takes an *ideographic and possibilistic* approach to *knowledge praxes* (Law & Singleton 2012), and as a response to the critique from feminist geography (Massey 1991, 1994), ANT has been applied in political geography to inquire the intersection between local place identities and global flows of capital (Thrift 1999, Mezger 2014b)

¹²⁰⁵ ANT takes a "myopic" focus on some of the particular relations, processes and links that together constitute assemblages that may be pramatically referred to as *emergence of scale* (Latour 2004: 154, 169, 171), and in spite of the "myopic" focus on particular associations, he still admits that "...a 'structure' is simply an actor-network on which there is scant information" (Latour 2004: 202). In a respinse to the feminist critique (Haraway 1996), Law & Singleton (2012) argue that the virtue of maintaining a myopic focus is the possibility to discover surprising pluralism, and dive voice to monor groups that have been silenced.

¹²⁰⁶ Machiavellism is a main characteristic of classical geopolitics (Chauprade 2007), and postmodern re-reading of Machiavelli (Althusser 1998) are particularly close to critical geopolitics (Ó Tuathail, Dalby, Routledge 2006).

¹²⁰⁷ Machiavellism offers ice-cold instrumentalism, not only ethically, but also *epistemologically* (Althusser 1998, 2003). To find the "effective truth" is to have the capacity (Virtù) to discover and utilize opportunities in a largely unpredictable environment (Fortuna), in order to intervene among the vectors of physical forces known and unknown. For the application of such an epistemology for geopolitical analysis, see *Limes 2012* (special issue).

¹²⁰⁸ Machiavellism takes a primary interest in the *production of political scale*, how willfull action at the micro scale (Virtù) may transform its own opportunity structure at the macro scale (Fortuna) (Althusser 1998, 2003); and for this purpose, the political/strategical analyst should inquire into the network of processes among physical forces known and unknown (De Landa 1997; Negri 2002 (1992); Deleuze & Guattari 1980: Chpts. XII-XIII).

¹²⁰⁹ Complimentarity has some (superficial) resemblance with the "social threefolding" found in Gramsci (Cini 2012: 31-33 and Routledge 1993: 29), Rokkan (Rokkan & Urwin 1982: 15, also in Rokkan & Flora 1999: 118) and even in Rudolf Steiner (2010). However, they had totalizing or "holistic" ambitions, whereas my ambition is to find tools that are complimentary in Bohr's (1938) sense. Each of the three perspectives has its strength regarding one of three constituent powers: customary praxes, knowledge praxes or coercive force.

¹²¹⁰ Complimentarity gives a varied knowledge of the opportunity structure, similarly to regional geography, "at its best", which, "ensured that students knew the basic lineaments of the wider world and gave some appreciation of 'place'" (Johnsten et a. 2014b), see also Holt-Jensen 2007:31.

¹²¹¹ Complimentarity fits with a *standpoint theory* of situated knowledge (Spivak 1998; Stengers 1999 (1997); Haraway 1996; Massey 1994), and also, with concertns about how prejudices or *doxa* may function as *symbolic violence* (Otnes 2006; Bourdieu & Passeron 1970; Bourdieu 1977). For such diagnoses, various treatments are suggested: Some hard sciences are acutely aware of their role as social engineers (Wiener 1947). Participatory methods seek research *with* rather than *on* the subjects (Halvorsen 2013; Chambers 2008). Open Source and Open Content publishing is an alternative mode of knowlege production (Schweik, Evans & Grove 2005).

¹²¹² Complimentarity facilitates varied knowledge about *emergence of scale*. For a discussion of the various explanations, see parts 12.3.4 and 13.3.5, including the footnotes on geographical scales in each of these parts.

Critical realism: The three mentioned figures, Bohr, Chomsky and Morgenthau, can all be characterized as *critical realists*, because they all avoid two symmetrical, dangerous pitfalls: On the one hand, *naïve realists* may be so fixed on physicalistic factors that they are ignorant of non-violent transformative power and non-state legal orders. On the other hand, *critical theorists* may be so idealistic (in both senses of the word) that they ignore the actuality of institutional violence. Both may mislead policy. In my opinion, the existing research on state transformation in Sápmi may easily stumble into either of these pitfalls. The minor tradition, which is associated with public security policy, appears to me as lapsing into naïve realism and fatalism. The major tradition, which is associated with human rights policy, might run the risk of falling into over-optimism or critical theory (political or philosophical idealism). Both of those traditions might have discovered perspectives that are not partial truths, but complimentary truths. If the minor tradition is taken in isolation, I consider it useless for everything else than serving the power-mechanism I have called “*strategical securitisation*”. However, if the major tradition is taken in isolation, it may not help us much in addressing how to handle the most contentious issues, such as the power-mechanism I have called “*arguments matter, resources decide*”. Therefore, the major tradition should continue to be the major tradition, but the minor tradition should be a complimentary supplement.

14.4.0 Conclusion regarding social movement action

14.4.1 Political risk factors?

For Sámi human rights movements and other environmental justice movements, it is useful to know one’s socio-ecological opportunities for potential empowerment. However, it is also useful to make well-informed choices regarding how to avoid repressive state violence (which in turn might produce insurgent violence). This is particularly relevant if we regard two particular mechanisms, one from each of the columns in the table above. The potential relevance of those two power mechanisms may require special caution and care from transformative social movements

“**Resources decide**” was the final meso-mechanism identified in my own socio-ecological study. This describes how the mobilization for indigenous human rights for the Coastal Sámi has failed thus far, not because it lacks scientific proof, not because it lacks international norms, but because those have less weight than the resources of competing fishery organizations. In particular, the trawler capitalists from Southern Norway have succeeded in setting the agenda and defining the hegemony within the Norwegian political entity. Industrial fisheries are powerful both on the

Norwegian and on the Russian sides of the Barents Coast. Similarly, industrial forestry is influential in Northern Finland, mining in the region is profitable for all the four (colonial) states in Sápmi, and most powerful of all are the two oil and gas companies: the Russian Gazprom and the Norwegian Statoil. On the Russian side, environmental and human rights activists are in political conflict with the government over infrastructures that serve Gazprom's offshore drilling, and on the Norwegian side, Statoil is planning to begin offshore drilling as well. All the meso-mechanisms that I have observed suggest we should severely qualify the assumption that gradual macro-political development will inevitably be progressive. The struggle to set the agenda for policy and research does not show any teleological pattern. The observed pathway labeled "resources decide" even suggests the opposite of teleological progress, namely *arbitrariness*. This mechanism *may have transfer value* to other parts of Sápmi. The governments of Norway and Russia, and maybe Finland and Sweden as well, appear to reject the relevance of indigenous human rights, as long those are in conflict with strong vested interests. There is *no guarantee* that the indigenous rights struggle will succeed when confronting state capitalist institutions such as industrial fisheries, as well as Statoil and Gazprom. Decolonisation becomes *costly* when it challenges *actual resource grabbing*.

"**Strategical securitisation**" was the final meso-mechanism identified when I attempted to control for the bias of wishful thinking. This mechanism has not been observed in the existing "realist" research on the implementation of indigenous rights in "Norwegian" Sápmi. This mechanism is an explanation of particular pathways that became evident in the empirical data when I interpreted existing empirical findings from state-centred realism in the context of empirical findings from more socio-ecological research. There appears to be a tendency to apply concepts like "extremist", "radical" or "hooligan" to refer to human rights movements whose claims are not – yet – recognized by the existing government. In particular, this is the case with regard to public voices that express doubts about what coercive force, if any, might actually be legitimate in the indigenous homeland. The existing proofs regarding the Alta-dam controversy suggest that, in that case, violent escalation was avoided because the army was not mobilized, as a result of one particular struggle for internal hegemony within the government. Today, the indigenous peoples of Sápmi enjoy a degree of recognition by the states, which they did not during that period. However, on the other hand, the globalization of security threats has blurred the division of labor between the police and the military. In 2013, Russia used the term "hooliganism" to frame Greenpeace protestors in the Arctic, while Norway/NATO mobilizes the term "radicalisation" in suppressive policies against the global justice movement. The economic power of Gazprom and Statoil is potentially backed up by the military power of NATO and CSTO. If the actual truth about Coastal Sámi communities is to be found amongst the secret whispers that "this is still a colony", then it is also understandable that the Coastal Sámi are known for being cautious about not being associated with "radicalism". For

Coastal Sámi in Norway and Eastern Sámi in Russia, there may be a need to stand together against resource grabbing on the part of industrial fisheries, Gazprom and Statoil, while at the same time defending themselves discursively against *stigmatization as “hooligans” or “radicals”*, which may function as *weapons of strategic securitisation* used by governments against domestic human rights activists.

Those two possible mechanisms may have potential relevance not only in Coastal Sápmi, but also in the Barents Sea Basin, the Circumpolar Arctic, and perhaps also among indigenous peoples in more contentious contexts, such as the Mapuche in Chile and Argentina. Whenever “resources decide”, there might be a higher risk of suppression, including “strategical securitisation”.¹²¹³

14.4.2 Practical remedies?

The potential relevance of these two mechanisms poses particular risks and challenges for the *art and science* of transformative social movements. Regarding the *science of constituent power*, movements need conceptual and methodological tools that are practical for the purpose of knowing

¹²¹³ *Reflections on non-violence*: Hegemony consists of both coercion and consent. Non-violent action consists on the withdrawal of consent. This may happen through symbolic action or non-violent action, and may either weaken the dominant hegemony, as with civil disobedience, or may strengthen an alternative hegemony, as in the creation of parallel institutions (Routledge 1993: 29-35). In the classical conceptualization, social hegemony (cultural and economic) is seen as relatively *independent from* political hegemony, the latter being *dependent on* the hegemony of coercive force. Therefore it was assumed that coercive force played a privileged role, when compared to customary praxes and knowledge praxes, for the constitution of political order. (For a more detailed critique, see *notes on Gramsci* in a footnote to part 3.3.2.) That is what I have labeled as “old school” theory. In this research, by contrast, I have described non-violent constituent action, as well constituted order that is maintained through non-coercive means. When we strive to sort real life phenomena as either “violent” or “non-violent”, then we will find some examples that are being categorised as either. The category “nonviolent coercion” includes strikes and boycotts (Sharp 1973, cited in Routledge 1993: 34-5). Arguably, that category may include some instances of sabotage, though some activists claim that all property destruction is violence, because it may function as psychological violence, and may have indirect consequences for physiological health (Gordon 2007: 78-108). In some contexts there are various shades of grey between the purely violent and purely nonviolent forms of contentious action. The interpretation may depend on particular context or situation, on the viewer's position or situatedness, and finally on the theoretical approach. Regarding areas where the territories of Norway and Sápmi overlap, I had learned that the attempted sabotage of a bridge in 1982 was violence, and that there had been nonviolent usage of police against peaceful civil disobedience activists. During fieldwork I learned that some local groups might have the opposite perception (see part 2.3.2). These are practices in the grey zone between prefigurative satyagraha and prefigurative war-of-position. When confronted with empirical examples of “nonviolent coercion”, a proponent of the “new school” may tend to lump most of these examples together with other instances of “nonviolent action”, whereas a follower of the “old school” may lump most of the same examples together with other instances of “coercive force”. The former classification may tend to give over-optimistic predictions, while the latter one may result in overly fatalistic predictions. (See also *reflections on structural violence* in footnote on 14.4.1.) In this research, I have drawn a clear distinction between these two forms of reductionism, following the advice from Morgenthau (1970) and Chomsky (1969). By treating the “new school” and the “old school” as *separate*, but *complimentary* perspectives, I strive to avoid the dual pitfalls of over-optimism and over-fatalism, of naive idealism and naive realism, and instead embrace critical realism.

one's opportunity, knowing one's enemy, and making wise strategic and ethical decisions. I will return to this below. However, regarding the *art of constituent power*, movements also need practical judgment, not only knowledge. The indigenous human rights struggle in Sápmi is an example of an environmental justice struggle that has enjoyed at least some degree of success. It has succeeded better in Inner Sápmi, with regard to reindeer husbandry, and under the Norwegian state. It has thus far had more limited success in several other areas of Sápmi. Some of the groups that remain marginalized are found along the Barents Coast, from the Coastal Sámi and Kväns on the "Norwegian" side of that coastline, to the Eastern Sámi and Pomors on the "Russian" side of the same coastline. Both these areas have a strong presence of industrial fisheries, and both experience an increasing presence of oil, gas and mining industries. Both have a history of labor militancy prior to 1917, and both were militarized during the Cold War. During the recent decades, the relationship has become less tensed in the Barents Sea Basin, with increased regional cooperation across the border between the Russian Federation and the NATO state, Norway. This is in spite of the relationship between Russia and NATO having become colder on other fronts. Social movements in the area deal with a specific opportunity structure, which is highly determined by conditions in the landscape ecology, but which is also highly determined by conditions in the geo-strategical theatre. Control over attractive resources is at stake.

In my opinion, the indigenous rights movements in Sápmi should be addressed in a trans-boundary context, because the actual natural and cultural heritage is a shared richness, and also because the actual geo-strategical theatres are much more complex than idealized state sovereignty. Indigenous human rights movements and other environmental justice movements create issue networks with micro-regional grounding and macro-regional scope.

On the "Norwegian" side of the Barents Coast, the Kvän minority remain weakly organized, but the Coastal Sámi organizations have played an active role in the indigenous rights struggle under the Norwegian political entity. Their strength has been to work within the social-radical tendency within the main catchall party of the country. This appears to have been effective as a complimentary strategy to the more publicly spectacular forms of contention pursued by organisations from Inner Sápmi. However, the Coastal Sámi have gained comparatively less than the Mountain Sámi and the River Sámi, at least within the "Norwegian" context. It may be hard to find a good equilibrium between political participation and political resistance, between social entrepreneurship and social defence, when one represents *highly marginalized* socio-cultural and socio-economic interests, the truly *subaltern classes*. There is a highly asymmetrical social conflict, where the control over profitable resources is at stake. If the indigenous fisher-peasants pursue political resistance and social defence, they may run the risk of being met with "*strategic securitisation*". If they instead pursue political inclusion and social entrepreneurship, they may

experience that “*arguments matter but resources decide*”. It may look like a *double bind*: whatever you do, it will be sanctioned; whatever you say, it will be used against you. Some claim that now is the “twelfth hour” for the Coastal Sámi culture and society.¹²¹⁴ Under such conditions we might ask, like Spivak, can the subaltern speak?¹²¹⁵ She argues that subalterns may need to be represented, and in Coastal Sápmi I have met political and social entrepreneurs who are not subaltern anymore. They combine a plurality of tactics, and it looks as though they are heading towards increasing internationalisation of their struggle, like the wider Sámi movement did one generation earlier. (My own research, by virtue of its institutional affiliation, is one particular contribution to such internationalisation.) My impression is that the political and social entrepreneurs from Coastal Sápmi have succeeded in going beyond the double bind, because they have empowered their practice networks to expand internationally, beyond the state.

On the “Russian” side of the Barents Coast, I have not conducted any research, and my competence to do so is limited, because I speak neither Russian nor Sámi. One relevant development is that the regional cooperation for the Barents Area has contributed to less geo-strategical tension and more open political opportunities. Another relevant development is that local interest organisations seem to be divided between those that are dependent on the federal state, and those that receive funding from foreign powers. This appears to be a contentious issue on the “Russian” side of the coastline, where the state has labelled the Western-funded NGOs as “foreign agents”.¹²¹⁶ Public media on the Western side of the Barents Coast tend to frame this as suppressive policies from the Russian side. That is not untrue, but it might not be the whole truth. I suspect that this local public debate remains under-informed about how suppressive the Norwegian state actually is against the Coastal Sámi and the Kväns, and how aggressive NATO actually is on other fronts. The former point I have tried to demonstrate in Chapters 10 and 11. The latter point is well documented in other studies.¹²¹⁷ On the Norwegian side, the whole corporatist tradition implies a symbiosis between interest organisations and the state apparatus, and one might wonder how official opinion would have reacted if the Coastal Sámi human rights organisations started to receive funding from Moscow. Before I apply for a visa to conduct fieldwork on the Russian side, I will suggest a hypothesis about what may be found there. It might very well be the case that the local organisations for environmental justice find themselves in a situation of *double bind* similar to the one I have argued that Coastal Sámi political and social entrepreneurs are now slowly transcending. Organisations that choose accommodation with the state may perhaps run the risk of becoming tools for an intrusive Gazprom, while organisations that choose accommodation with the

¹²¹⁴ Måsø 2012b

¹²¹⁵ Spivak 1988

¹²¹⁶ Ballovara 2014

¹²¹⁷ See e.g. *Limes* (#2, 2013), for a further comment, see 14.5.2, the final footnote.

West might need to prove that they are not being misused as pawns for intrusive Western interests. The regional environmental justice movement in the Barents Sea area needs to take care of both accommodation and resistance under both of the two competing governments. That is a rather complex diplomatic balancing act. Perhaps such a coordinated balancing act might be facilitated if we acknowledge that both the Western and the Eastern side of the coastline does have their own local human rights breaches to overcome, and that both sides play games in the geo-strategical theatre.

14.4.3 Geopolitical games

Environmental justice movements may be balanceing between two different strategical needs: On the one hand, there is a strategic need to avoid being divided from similar movements subject to other governments. On the other hand, there may also be a strategical need to avoid (being perceived as) being used as a proxy against one's domestic government. Both of those concerns may be seen as a need to avoid imperialist *divide-et-impera*, at different levels in a polycentric political environment. These strategic considerations may be described with a simple model made to keep track of transnational social movement action (Figure 14.1).

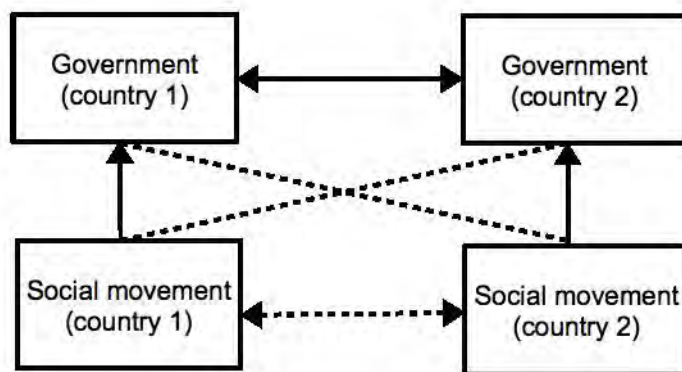


Figure 14-1: A simple model to keep track of international interactions

International interactions consisting of inter-governmental relations between state governments, plus transnational relations between social movements within each state.¹²¹⁸

The full-stroke lines show state-centred political activities: social movements within each country provide input to governments within each country, while the governments take care of international relations between the two countries. The dotted lines show some other alliances: social movements may coordinate joint resistance across the state boundaries, or they may cooperate with a foreign

¹²¹⁸ Based on: Della Porta, Kriesi & Rucht 1999: 5 (figure 1.1)

government against their domestic government. It appears to me that the environmental justice movements along the Barents Coast seek to get out of double binds under their domestic governments (defined in 14.4.2 above), by building transnational alliances. However, it also seems to me that they strive to avoid being used as proxies, either by being used by foreign governments against their domestic government, or being used by either government against other social movements subject to foreign states.

Transformative social movements that generate constituent power have different needs than the reformist social movements that are contained within already constituted power. Transformative social movements require knowledge about the opportunities for empowerment, but also need knowledge about the limitations for action. Whenever control over attractive natural resources is at stake, there might be a potential that “resources decide”, and that opposition might be met with “strategic securitisation”. In such situations, social movements may need to build their political-economic and political-semiotic capacity beyond the mere power of the better argument. From my fieldwork among a few of the environmental justice movements in the Barents Sea region, it appears to me that they seek constituent power by scaling out their practice networks at the international stage, especially with other grass-roots movements, and also with multilateral inter-governmental organisations. At the same time, it appears that they carry out challenging balancing acts between loyalty to their domestic government, and resource mobilisation outside of it. This may be typical for transformative social movements. While reformist social movements are contained within the confines of already constituted political entities, transformative social movements are not, because they generate potentially constituent power. Therefore, transformative movements are geopolitical actors. They deal with the “nice” geopolitical games of landscape ecology, but they must also somehow relate to the “dirty” geopolitical games of geo-strategic theatres. To identify opportunities and limitations, they may need both the “new theory” suggested by Elinor Ostrom, and the “old theory” that she ascribes to Hardin and Hobbes.¹²¹⁹

14.5.0 Conclusion regarding social movement research

14.5.1 Reflections on violence

Among mainstream social movement researchers in the North Atlantic area, few have been

¹²¹⁹ Ostrom, Walker & Gardner 1992

interested in coercive power, as in the interaction between protest policing and insurgent violence. Donatella della Porta is among the few exceptions.¹²²⁰ Awareness of the impact of coercive force is necessary if social movement research is to be beneficial for *transformative* social movements that produce constituent power (and not only for reformist movements that are contained by already constituted power). Even though most transformative movements choose non-violent paths towards prefiguration,¹²²¹ all of them face political systems that apply coercive force. States are not non-violent. Active non-violence is to overcome violence, not to be pacified by state violence.

If a social movement is being seen as a challenge to a political hegemony, it may be met by coercive force. This is a real danger for indigenous rights movements and other environmental justice movements in the Circumpolar Arctic. They are stigmatised as “hooligans” or “radicals” whenever they resist fracking and the tar sands industry in the land of American First Nations, or the gas industry, polluting mining, unsustainable forestry, or over-fishing in the lands of Sámis and Nenets.

Additionally, if a social movement succeeds in influencing a state’s constitution or its policies, then this has consequences for how the coercive apparatus of the state is being applied. Thus, social movements may feel indirectly responsible for how coercion is applied, and indeed, if social movements are constituent powers, then they may find themselves within a governing position. Political reformism is not a non-violent strategy, because the state form is not non-violent. When the Sámi could no longer evade state power, they had to reform the states.

Finally, if an anti-regime movement in one state chooses to ally with the government of a competing state, then the outcome may be a result of foreign military capacity as well as local movement action. This was written while Syrian reformists had become enrolled in Saudi proxy warfare, while various nationalist groups in Kiev and Crimea pursued challenging balancing acts between NATO and CSTO. Both *terrains* are rupture zones between grand military coalitions. Sápmi is a third example. Therefore, the Sámi people resist colonial resource grabbing within two competing free trade areas (EEA vs. CES),¹²²² while they also maintain diplomatic relations with two competing military alliances (NATO vs. CSTO).¹²²³ This is also a balancing act. When transnational social movements are constituent powers, they are political actors in geopolitical games.

Environmental justice movements, regardless of whether they are in opposition, in government or choose evasive paths, need to discover positive opportunities for empowerment, but they also need to observe structural limitations. In order to empower one’s own movement and to

¹²²⁰ Della Porta 2013

¹²²¹ Graeber 2009

¹²²² On Common Economic Space (CES), see: http://en.wikipedia.org/wiki/Commonwealth_of_Independent_States

¹²²³ On the CSTO military alliance, see: <http://en.wikipedia.org/wiki/CSTO>

evade violent suppression from agonistic movements, it is useful to observe both violent and non-violent mechanisms of constituent and constituted power.¹²²⁴ In particular, I suggested that when we explain the maintenance and transformation of constituted order, then we *should not pre-define* the explanatory factor of coercive power as being necessarily more relevant than those of customary praxes or knowledge praxes. Thus, we have to leave the “old theory” behind (see Chapter 3), while also acknowledging the limitations of the “new theory”. Thus, I suggest that political science is *more realistic* if one avoids reductionistic (mis)use of the old and the new theories.

¹²²⁴ *Reflections on structural violence*: Special caution and care is required from transformative social movements, because of the potential relevance of the two possible mechanisms that were discussed here. In situations where “resources decide”, there might be a higher risk of suppression, including “strategic securitization”. These two mechanisms actualize the problem of how to draw the distinction between nonviolent action and coercive force (see the footnote with *reflections on nonviolence* in part 14.3.2). In between the purely violent and purely non-violent forms of contention, there are several shades of grey, such as boycott and sabotage. In this shady area we find the two mechanisms called “resources decide” and “strategic securitization”. *Whenever resources decide* there are socio-economic limitations to those who pursue the path of prefigurative satyagraha. The (neo)institutionalists have great belief in social entrepreneurship (Ressler 2008, Hart et al. 2010, Ostrom & Ahn 2003). By contrast, the (post)modern Machiavellians Gramsci (1930, 1919) and Deleuze & Guattari (1980) would *reduce* accumulation of value to merely exploitation of labor or expropriation of land (“surplus value”), and thus, they would *reduce* socio-economic development to a prefigurative war-of-position over the control over the means of production. While the (neo)institutionalists may be over-optimistic, the (post)modern Machiavellians may be over-fatalistic. *Whenever strategic securitization takes place*, there are discursive limitations for those who pursue the path of prefigurative enlightenment. Some constructivists are committed to critique of every ideology, in order to liberate the voices of the silenced groups (Spivak 1988, Haraway 1996, Derrida 1967, Law & Singleton 2012). By contrast, the postmodern Machiavellians Althusser (1998) or Deleuze & Guattari (1980) consider as an “effective truth” any proposition that works instrumentally for any given purpose in any given context, thus, “one person’s terrorist is another person’s freedom fighter”, and consequently all critique is reduced to prefigurative war-of-position for control over media. The mentioned constructivists may be over-optimistic, but the postmodern Machiavellians are over-fatalistic. *All in all*, the postmodern Machiavellians should not be allowed to reduce all transformative social action to prefigurative war-of-position, because that is an over-fatalistic form of reductionism, but at the same time, the neoinstitutionalists and constructivists should avoid reductionism in their own right, when they explain, predict and prescribe paths to prefigurative satyagraha and prefigurative enlightenment. From the Coastal Sámi community, the success has been limited with either pathway: for political entrepreneurs within the state apparatus, for the social entrepreneurs within the market economy, and for social entrepreneurs within institutionalized academia. There is no reason to deny that customary praxes and knowledge praxes are constituent powers in themselves, in relative *autonomy* from the power of coercive force. However, we should also not deny the possible *intersection* between these different constituent powers. Such complex interactions between the vectors of violence and non-violence could be described with Bourdieu’s metaphors “structural violence” and “symbolic violence” (Otnes 2006, Bourdieu & Passeron 1970, Bourdieu 1977). The environmental justice struggles among the Coastal Sámi has won some limited gains through a plurality of tactics, but not least by bonding environmental justice struggles from other locations, thus expanding their network to a transnational scale, and as a result, changing their own *structural position* in relation to the state hegemony. The terms *autonomy*, *intersection*, *structural violence*, and *structural position* indicate how the “old theory” (obsessed by cooperation by coercion) and the “new theory” (focused on cooperation by consent) may be treated as “complimentary theories” in Niels Bohr’s (1938) sense. Beyond the dichotomy of over-optimism and over-fatalism, naive idealism and naive realism, this critical realism indicates a positive alternative to Gramsci’s (and Rokkan’s) old school dogmatism (see also *notes on Gramsci* in a footnote to part 3.3.2).

14.5.2 Social movement research as constituent praxis

The two alternative conceptualisations both deal with mutual causation between (constituent) social movement action and (constituted) political opportunity structures. This is one particular articulation of two general causal models suggested by Donatella della Porta. She is among the few mainstream social movement researchers in the North Atlantic area who takes an interest in the prefigurative potential of social movements, and also, in the problems of coercive force.

On the one hand, she has conducted research on the mutual causality between (A) political democratisation and (B) social mobilisation (see figure, left side).¹²²⁵ *On the other hand*, della Porta has also carried out research on the mutual causality between (A) protest policing and (B) insurgent political violence (see figure, right side).¹²²⁶

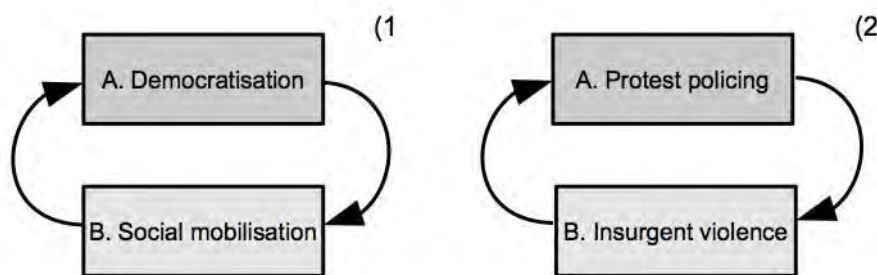


Figure 14-2: *Constituted structure and constituent action*

Two models of (constituted) opportunity structure and (constituent) social movement action¹²²⁷

This model was implicitly present in the discussion of geography and praxiology in Chapter 3. The two models should *not be mis-read* as stating that these are two parallel but un-related causal paths. On the contrary, the two models zoom in on different aspects of one and the same complex web of causation. All states police their norms with coercive force (and perhaps most stateless political systems as well). Most social movements are non-violent, but they may nevertheless interact with other movements that are violent. (In colonial India, many followed the path of prefigurative satyagraha, while others answered violence with violence.) In spite of *empirical complexity*, I think it is virtuous to keep an *analytical separation* between non-violent and violent pathways of constituted and constituent power. The purpose is practical. For the *science* of constituent power, coercive force may be treated as a *control variable*. This is in order to help the *art* of constituent power to keep coercive power *under control*.

For social movement studies, the models are helpful to venture *beyond reformist movements* that are *contained by already constituted power*, and *also follow prefigurative movements* that

¹²²⁵ Della Porta 2014: 14-22

¹²²⁶ Della Porta 2013: 18-21

¹²²⁷ Della Porta 2014: *ibidem*; della Porta 2013: *ibidem*

generate constituent power. Model number 2 corresponds with “old school” studies of state formation, such as Tilly’s sociological analysis of military history.¹²²⁸ Model number 1, by contrast, invites “new school” re-thinking of the same phenomenon. This model incorporates Mattei’s use of SES to study constitutional change, Mattoni’s application of ANT to trace social movement media praxes, Staggenborg’s use of Randall Collins to synthesize organisation and framing, and Graeber’s description of strategies to build the new society within the shell of the old.¹²²⁹

For studies of areas where Sápmi and Norway overlap, the models are also applicable. Model number 2 corresponds with Anne-Jule Semb’s “old school” research on how norms affect policy (and polity) in Sápmi.¹²³⁰ Her research was *contained by the already constituted paradigm* of Norwegian state science (*statsvitenskap*). Model number 1, by contrast, is in line with the “new school” contributions of Audun Sandberg and Gro Ween, who use SES and ANT to research Sámi customs and lore.¹²³¹ They find new proofs that *contribute to the on-going re-constitution* of Norwegian legal history and jurisprudence, pioneered by the Sámi Rights Commission.

My own empirical research follows in the footsteps of all the mentioned researchers who are compatible with Della Porta’s model number 1: Ween, Sandberg, Mattoni, Mattei, Staggenborg and Graeber. However, in the final discussion of my findings, when I try to control for the possible bias of wishful thinking, I apply Della Porta’s model number 2, and follow the researchers that are compatible with that model, namely Semb and Tilly. The concepts I have used in this research, to discover empirical findings, and to discuss them critically, have been specified in Chapters 12, 13 and 14 (the present one). Three pathways of constituent and constituted power have been specified in geographical and praxiological terms. This operationalisation was also one particular way to adapt and adopt the more general causal models formulated by della Porta. Her model number 1 incorporates my use of landscape ecology, SES and ANT, while her model number 2 is in line with my use of strategical geopolitics and the postmodern Machiavelli (table 3.3).

Table 14-4: *How I adopt and adapt della Porta's causal models to areas where Sápmi and Norway overlap*

<i>Model of mutual causality</i>	<i>Opportunity structure side</i>	<i>Social movement action</i>
Both models 1 and 2	A = constituted order	B = constituent praxes
Model 1 (della Porta 2014)	A = landscape ecology	B = customs / knowledge praxes
Model 2 (della Porta 2013)	A = geo-strategical <i>Fortuna</i>	B = cognitive / technical <i>Virtù</i>

¹²²⁸ Tilly 1980

¹²²⁹ Mattei 2011; Bailey and Mattei 2012; Mattoni 2011; Staggenborg 2002; Graeber 2009

¹²³⁰ Semb 2001; Semb 2003

¹²³¹ Sandberg 2006; Sandberg 2008a; Sandberg 2008b; Ween 2010; Ween 2011; Ween 2012a; Ween 2012b; Ween (in prep.); Ween & Lien 2012

This specific adaptation of della Porta's causal models constitutes a particular contribution towards the prefiguration of a positive alternative to Tilly, Tarrow and McAdam's suggested synthesis of social movement theory. In their *Dynamics of Contention*, the main conceptual dualism is between *insiders* and *outsiders* to *already constituted* political systems.¹²³² This is suitable for observing the actions of reformist movements that are contained by already constituted power. However, it is dysfunctional when the purpose is to observe transformative movements that generate new constituent power. Then we need to address the process that maintains and creates the very boundary between those actors that were defined as insiders and outsiders. However, such a research interest requires caution and care. As I showed in Chapter 2: To find new proofs about the struggle for rights and proofs is a way of getting involved in the *uneven development* of *rights* and *proofs*, which, in turn, has consequences for the uneven application of institutional violence. The *art* and *science* of constituent power implies some profound ethical and epistemological challenges.

The constituent power of social movements is too important to be left to national security studies. The topic is particularly urgent for movements where the human body and its geographical environment are at stake: radical feminists and environmentalists, regionalists and anti-colonial movements, indigenous human rights movements, mobilisations for environmental health, and transnational solidarity movements. Such materialist and spatial issues require a geographical turn for social movement studies, and this, in turn, destabilises reified assumptions about who is conservative and who is radical. One example is the social movement for social justice in Syria, which became enrolled by the Saudi regime as an instrument for proxy warfare.¹²³³ Another example is the indigenous human rights movement in Sápmi, which originates in the social defence of local social ecologies, against a political class of Jacobin nation-builders. The latter is what I inquire about here. Those are two different "terrains of hegemony and resistance", though in those cases, the pathways of constituted and constituent power are very different. However, in both of them, as in other "terrains of hegemony and resistance", various transformative social movements might be found both *in opposition* and *within government*, or they may prefer *autonomous*, apparently a-political paths to prefiguration. Reformist social movements that are contained by

¹²³² Tilly, Tarrow & McAdam 2001

¹²³³ That story is not to be told here, even though I have conducted a relevant fieldwork. Let me instead refer to the following secondary sources: *Limes* # 2, 2013; *Limes* #5, 2013; *Limes* #9, 2013; and *Limes* #2, 2014. See also Figure 14-1 above. This actualises the concept of "proxy warfare", see e.g. *Limes* (#2, 2013). This, in turn, might shed new light on the potentialities of the so-called "boomerang effect", a term coined by Keck & Sikkink (1998: 12, 102, 107) referring to successful attempts by sub-state groups to mobilise international human rights norms against the states to which they are subjects. (Thanks to Paul Routledge for the latter reference.) *On the one hand*, transformative social movements should be aware that the "boomerang effect" has been effective and empowering in several cases, including the various regional struggles in Latin America and the indigenous rights struggle in Sápmi. *On the other hand*, transformative social movements should also be aware of the potential risk that alliances with foreign powers or international organisations may attract suppression from governments, because such alliances may be portrayed (truthfully or not) as potential "proxy war". This may be one of the reasons why, in Syria and Libya, the Arab Spring mutated into sectarian wars. As an extreme example, this may highlight more general challenges.

already constituted power find themselves safely within the confines of civil society.

Transformative social movements that generate constituent power, by contrast, are political actors, conditioned by and contributing to geopolitical games. There is no innocence for social movement research and action outside the box of containment. Therefore we need epistemological tools to take responsibility for the constituent power of proof, and we need ethical tools to control for the potential bias of wishful thinking.

Truth hides..

Truth hides under fallen rocks and stones
At the end of a disconnected phone
Truth hides down an unmarked street
Buried deep beneath your feet

Truth hides in people written out of history
Black leaders and inventors whose names
Remain a mystery
Great women recorded on ripped out pages
Obliterated wisdom, covered up faces

Truth is lost in the mists of eMpTy Vision,
And found in the notebooks of those
Wrongfully imprisoned,
And in the evidence that was never brought to trial,

But not in the void behind the newsreaders' smile.
Truth hides whenever we lose our focus
Slips out the back, quickly replaced by the bogus,
Fleeing soundbites disguised as facts

That reappear in the small print on every contract
Truth hides on the other side of a two-way mirror
In countless documents sent straight to the shredder
That might finally give us the whole of the picture

But until the day we decide to dig a little deeper
We know that truth will hide
Under fallen rocks and stones
At the end of a disconnected phone

Down an unmarked street
And buried deep beneath your feet

Truth it a hide under rocks and stones
At the end of your line
Down an unmarked street
Truth it a hide under rocks and stones
At the end of your line...

– Asian Dub Foundation

Songwriters: Das, Anirudda / Pandit, John / Savale, Steven /
Tailor, Sanjay / Zaman, Saidullah
Truth Hides lyrics © Universal Music Publishing Group

UNPUBLISHED SOURCES

Note: This list of unpublished sources includes all types of primary data that are unfit for being listed in the bibliography. I have chosen to include *online register data* and *newspapers* into the list of *unpublished* sources, even though those sources, strictly speaking, have been published.

Excluded from this list, but included in the *bibliography*, are web pages (webography), online publications, printed reports (grey literature) and printed topographical maps (without GIS data).

The list of unpublished sources is sorted into the following categories:

- A. Quantitative register data (including GIS maps)
- B. Qualitative interview data (including some informal encounters)
- C. Historical archives (including archives of ongoing correspondence)
- D. Participant observation (incl. observant participation in Academia)
- E. Focus groups (incl. meetings organised for different purposes)
- F. Newspapers

A. Quantitative register data

1. Statistics Norway, municipal and election statistics: www.ssb.no (retrieved 20.05.2011)
2. Statistics Finland, municipal and election statistics: www.stat.fi (retrieved 20.05.2011)
3. NASCO river database: www.nasco.int/RiversDatabase.aspx (retrieved February 2013)
4. UNEP-GRID Arendal, various GIS maps: www.grida.no (retrieved February 2013). © UNEP-GRID and Philippe Rekacewicz
5. UNEP-GRID Warsaw, various GIS maps: www.eea.europa.eu/legal/copyright (retrieved February 2013). © European Environment Agency (EEA). EEA standard re-use policy: unless otherwise indicated, re-use of content on the EEA website for commercial or non-commercial purposes is permitted free of charge, provided that the source is acknowledged.
6. European Social Survey (ESS), ESS Round 1-5 (2012) www.europeansocialsurvey.org/
 - 6.1 ESS data: ESS Cumulative File, ESS 1-5, 2012. (Data file edition 1.0.) © Norwegian Social Science Data Services, Norway – Data Archive and distributor of ESS data.
 - 6.2 ESS documentation: see bibliography and published sources: European Social Survey (2012).
7. Finnmark County Municipality, “Statistikk”: www.ffk.no/fakta/statistikk.default.aspx (May 2011)
8. Regional Council of Lapland, “Lapland in Figures 2010-2011”:
www.kommunerna.net/sv/databanker/statistik/kommunvis/Sidor/default.aspx (May 2011)

B. Qualitative interview data

Ahlakorpi, Anni, student, works at the Nature Hut in Ohcejohka, 19.08.2011

Aikio, Esko, river fisher and human rights lawyer, Ohcejohka 08.07.2012

Aikio, Marja Sofia, fisher, hunter and Sámi politician, Ohcejohka 09.07.2012

Aronsen, Terje, school teacher and Kvän political entrepreneur, Fronger Church, Oslo, 04.03.2012

Aslaksen, Oddmund, works at Tana Family Camping, Skiippagurra, 20.08.2011

Andersen, Jon Ole, master artisan (*duodji*), Karasjok, 18.08.2011

Antti, Günther, reindeer herder, Rastegaisa pub, 04.02.2011

Borgersen, Svein og Laila Astrid, local tourist business, Vardø, 25.06.2011

Brattland, Camilla, a Sámi social scientist, at the Riddu Ridđu festival 12.07.2012

Gilbert, Mads, physician, during the hunger strike of Afghan refugees in Oslo, summer 2006

Guttorm, Aimo lawyer at for Samediggi Finnland, at Rastegaisa pub, 03.02.2011

Guttorm, Asbjørn, river fisher, Karasjok, 18.08.2011

Hansen, Håvald, river fisher and social researcher, SEG, 05.07.2012

Hansen, Hjalmar, river fisher, 06.07.2012

Hansen, Olaf, river fisher, former local politician, 06.07.2012

Hellander, Svein Ottar, municipal planner, Tana municipality, 28.01.2011

Holmen, Svein Harald, regional developer, Vardø, 25.06.2011

Jakobsen, Leif, designer and dance-musician, at cultural festival, Tana Hotell, 09.02.2011

Johansen, Jonas E. & Andersen, Daniel (Hasson), museum workers Varanger Museum, 21.08.2011

Johnsson, Kjell Magne, fishery biologist, Tana Bru, 09.02.2011, 12.08.2011, Masjoka River 2012

Johnsson, Kjell-Magne, fishery biologist, during LBT meeting at Tana Hotel, 07.02.2011

Joks, Solveig, collector of traditional knowledge, Romssa airport, 22.02.2012.

Länsmann, Maija, fishery biologist, RKTL research station, Utsjok, 04.02.2011

Länsmann, Trine, sociologist, in a *goahti* at Buolbmat, 02.02.2011

Larsen, Nils, ex-fisher og UNIFIL-veteran, Deanudat, 15.08.2011

Larsen, Reidar, salmon fisher and outfield practitioner, Deanudat, 13.08.2011

Lindbakk, Harald, Norwegian State archive, at the Riddu Ridđu festival 12.07.2012

Mellem, Kristin, folk musician with Sámi, Kvän and Norwegian repertoire, Romssa, 21.02.2012

Nordsletta, Edvard, river fisher, local LBT leader, Karasjok, 18.08.2011

NVE employees, informal conversations at wind power conference, Stiklestad 25.-27.08.2008

Nyysölä, Jarkko, worker for Lomatärppi cottages, Rastagaisa pub, 03.01.2011

Nango, Joar, a Sámi architect, several interviews in 2012 and 2013.

Niittyvuopio, Laura-Maija, the Samediggi Youth Council in Finland, Ohcejohka, 07.07.2012

Ødegaard, Merete, anthropologist, Alta Museum, 10.07.2012

Opdahl, Jørn Stephan, ecologist at EU-WFD, the County Municipality, Vadsø, 26.01.2011

Partanen, Toivo, municipal engineer Utsjok municipality, 03.02.2011

Pedersen, Anne Marit, Finnmark Commission, 21.-22.10.2010; 09.02.2011

Pedersen, Terje, sheep farmer and outfield practitioner, Deanudat, 13.08.2011

Pettersen, Ove, former librarian, meeting in Oslo before I went to the archives, 2009

Petterson, Knut, lawyer and judge, meeting in Oslo before I went to the field, 2010

Rasmussen, Torkel, researcher at Sámi allskuvla, Utsjoki 06.02.2011

Roger (Brodin) & Geir (Sunde-Lie), young crab fishers, Deanudat, 12.08.2011

Selfors, Finn-Arne, Inner Finnmark District Court, 22.10.2010

Solbakk, Aage, Sámi activist, Buolbmát, 16.08.2011

Solbakk, Aage, Sámi activist, several informal interviews from from 2010 until 2012

Sottinen, Jorunn, LBT-leader, at Tana hotel, 04.07.2012

Tapiola, Aslak, local fisherman (with Meeri and Katja Tapiola), Utsjoki, 06.02.2011

Tapiola, Katja, a Sámi artist, shop worker, Ohcejohka 07.07.2012

Tapiola, Nilla, teacher and camping site owner, Lapinkylä camping, 04.01.2011

Tapiola, Tapani, municipal planner, Utsjok municipality, 03.02.2011

Utsi, Esther, small business entrepreneur Polmakmoen Guest House, 30.01.2011

Valen, Gerd Johanne, director, Alta Museum, 10.07.2012

Varsi, Hans-Erik, manager at the LBT- office Tana bru, 12.08.2011

C. Historical archives

Riksarkivet i Oslo (The Norwegian National Archive):

Private archive from “Folkeaksjonen mot utbygging av Alta-Kautokeinovassdraget, Oslo-avdelingen 1977-1983”, one archive box

Alta museum (The local museum and UNESCO World Heritage Site in Alta)

Private archive from “Folkeaksjonen mot utbygging av Alta-Kautokeinovassdraget”, 65 archive boxes. Archive of the main office in Alta, includes minutes from meetings in the local contingent in Oslo, and from the affiliated organisations *Altautvalget* and *Bøtelagte elveredderes interesseorganisasjon*

Norwegian Water Resources and Energy Directorate (NVE):

The online photo archive “Museumsordningen”: <http://museumsordningen.wordpress.com/>
(last accessed August 2014)

Utsjoen municipality (Finnish side), public planning office:

- Outgoing correspondence with Utsjoki municipality
- Diverse documents from the planning cycle (see bibliography for some of them)

Tana municipality (Norwegian side), public planning office:

- Outgoing correspondence with Tana municipality
- Diverse documents from the planning cycle (see bibliography for some of them)
- See especially Hellander (2010) in the bibliography (printout of power point presentation)
- See also Tana municipality (2006), Burgess (1996) in the bibliography ("grey literature")

Tana folkebibliotek (Public library of Tana Municipality):

- Private archive “Kjell Moens arkiv”, after a committed salmon biologist in the region
- See especially Moen (1983) in the bibliography (M.Sc. thesis on Alta River salmon)

Laksebreveierne i Tanavassdraget (LBT), before the re-organisation in 2012:

Fishery biologist Kjell Moen’s unfinished manuscript on Deatnu River salmon

Norsk folkemuseum (Norwegian Folk Museum): library of the Sámi collection¹²³⁴

- Various “grey literature”: reports, theses, pamphlets and other rare published sources
- See especially Tromsø Sámi Association (1986) in the bibliography

Sámi Trade and Development Centre / Sámi Ealáhus- ja Guorahallanguovddáš (SEG):

Diverse documentation from various RaD projects

Byarkivet i Tromsø (The Town Archive of Tromsø/Romssa)

The newspaper clip archive “Alta-saken”, one archive box

¹²³⁴ Museological note: Two national historical museums in Oslo operate with nearly identical names in English: *Norwegian Museum of Cultural History* and *Museum of Cultural History*, respectively. The former is called *Norsk folkemuseum* in Norwegian, literally “The Norwegian Folk Museum”, which is the name I have used in this thesis. The latter is called *Kulturhistorisk museum*, literally “The Museum of Cultural History”, and is part of the University of Oslo. The former deals with Norwegian national history after reformation. The latter deals with the same history before the reformation, but this also deals with ethnographic exhibitions of “foreign” cultures. The two have been playing a political game regarding the control over a collection of Sámi historical artifacts. It was originally collected by the University of Oslo’s *Kulturhistorisk museum*, which emphasize how the Sámi are similar to other Arctic indigenous peoples, but different from Norwegian and Scandinavian culture. The collection was later taken over by the *Norsk folkemuseum*, which presented the Sámi as one of several national minorities, ethnically and culturally partly overlapping with a culturally Norwegian majority within a shared Norwegian state. When this is written, most of the collection is being “repatriated” to the Sámi local communities, represented by *Riddo Duottar Museat* and other regional federations of local Sámi museums. Before embarking in this PhD-research, my knowledge had been shaped by work at *Norsk folkemuseum*, but while I carried out language correction for my thesis, I was based at the *Kulturhistorisk museum*, and learned their viewpoint while also observing repatriation to *Riddo Duottar Museat* and others. Historians operating within three contexts all claim the Sámi historical artifacts.

D. Participant observation

Note: Observational data have been gathered through the technique contemporary social anthropologists refer to as “multi-sited fieldwork”.¹²³⁵ This means that the ethnographer do not strive to gain any holistic thick description within a geographically clearly delimited field, but instead, she tries to trace some particular ties and processes between some particular situations, some of which are within, others outside, the area that might be conventionally referred to as a “local community”. Additionally, I have blurred the distinction between “scribal” and “tribal” knowledge, by learning concepts from local fisher-peasants, and by observing the social (political) interactions within academic institutions. Finally, I went back and fro between fieldwork in Sápmi and Lebanon. The latter is of peripheral relevance, after the abductive process led me to leave the initial comparative research design. Still, these travels were part of the researcher’s actual Grand Tour (ar-rihla), and thus, the actual abductive process. The following list includes all the travels that I seem as relevant data for this particular thesis text. *Dates* of each field travel is in the format yyyy.mm.dd. *Brackets* indicate field visits to Lebanon. *Asterisk* (*) indicates participant observation situations within the “local communities” referred to in the study. *Dagger* (†) indicates observant participation in within “academic” situations.

1999-2003:	Oslo	Pedagogical work at Norwegian Folk Museum
2007.09. 16.-21.	*Deatnu Area	Conflict meditation training at the local court
2008.08.25-27.	†Stiklestad	NVE: Wind power and energy conference
2008.08.08.-10.	†Cambridge	Workshop: “The Right to Landscape”
2009.03.03-10.	(Lebanon)	Fieldwork
2009.03.17	†Oslo	WWF: Waterways and biodiversity conference
2009.03.24	†Oslo	<i>Norsk vannforening</i> : Border rivers and conflicts
2009.06.05.-22.	(Lebanon)	Fieldwork
2009.06.03.-07.	Berlin	Visits to <i>Wagendorfen</i> and bookshop <i>Pro QM</i>
2009.12.07.-18.	Copenhagen	Field observation at UN climate summit COP15
2010.01.08.-2010.02.21.	(Lebanon)	Fieldwork
2010.07.	†Florence, EUI	Submitted draft, Alta-dam case study
2010.07.07.-08.05.	(Lebanon)	Fieldwork
2010.09.09.-14.	*Deatnu Area	First fieldtrip to Deatnu River and Fjord
2010.11.01.-10.	(Lebanon)	Fieldwork

¹²³⁵ Madden 2010

2011.01.12.	Oslo	Debate meeting: “‘Fjellfinnhua’ uncensored” ¹²³⁶
2011.01.25.-2010.02.13.	*Deatnu Area	Second field trip to Deatnu River and Fjord
2011.03.02	†Oslo	<i>Norsk vannforening</i> : Internat. develop. projects
2011.04.01.-27.	(Lebanon)	Fieldwork
2011.05.01.-2012.05.01.	Oslo	Visiting scholar, social anthropology at UiO
2011.06.03	†Florence, EUI	Submitted draft (Lebanese case study)
2011.08.10-21.	*Deatnu Area	Third field trip to Deatnu River and Fjord
2011.08.23.-30.	†Reykjavik	ECPR General Conference
2011.10.31.	†Florence, EUI	Submitted draft, two thirds thesis
2012.02.20.-22.	*†Romssa, UiT	Field trip and PhD-course at UiT
2012.02.21.	*Romssa Area	Tromsø Museum, “Becoming a nation” exhibition
2012.03.04.	Oslo	Two church services with Kväns and with Copts
2012.03.28.	Oslo	Dialogue meeting: “Kan vi leve sammen” ¹²³⁷
2012.03.29.	†Oslo, UiO	Roundtable: “Anarchy/anarchism, egalitarianism”
2012.04.12.	†Oslo, UiO	Seminar “Decolonizing the Arctic” ¹²³⁸
2012.04.21.	Oslo	Meeting with <i>Norske kveners forbund</i>
2012.06.05.	†Florence, EUI	Colloquium: “Grassroots Environmentalism”
2012.07.21.-2012.08.02.	*Deatnu Area	Fourth field trip to Deatnu River and Fjord
2012.08.10.	*Áltá area	Field visit to Alta museum
2012.08.11.-14.	*Romssa Area	Observant participation, Riddu Riddu festival
2012.08.15.-18.	*Romssa Area	Second field trip to Romssa
2013.04.01.	†Florence, EUI	Submitted draft (first full thesis draft)
2013.04.27-28.	†Florence, EUI	Workshop: “Popular Protest in 20 th Century Europe”
2013.07.	*Romssa Area	Observant participation, The Karlsøy Festival
2014.05.29.-30.	†Florence, EUI	Workshop: “Contentious Politics and Space”
2014.05.31	†Florence, EUI	Submitted thesis, final version
2014.10.22.	†Florence, EUI	Workshop: “Gender Fest” (presentation about Lebanon)
2014.11.	*Áltá area	Digitalisation of the <i>Folkeaksjonen</i> archive

¹²³⁶ Field observation at film screening of Guro Saniola Bjerk’s “*Fjellfinnhua*” at *Fritt Ord*. http://www.fritt-ord.no/no/hjem/mer/fjellfinnhua_usensurert_samepolitikk_Finnmark/

¹²³⁷ Organized by Marianne Lien and Gro Ween at the research project “Newcomers to the Farm”

¹²³⁸ Ibidem

E. Focus groups

Note: Focus groups might be group interviews, but also other processes where persons get together and deliberate, alternatively forming a shared understanding and translating it to action. Here I list six examples, where only two of them were organized by myself, and one of them I did not even attend in person.

1. SEG group interview, Miljøbygget in Tana Bru, 08.02.2011. Organized by myself. Participants: Elisabeth Hegge Guttorm, Håvald Hansen, Trine Länsman, Renate Westlien and Ranveig Ballovara Varsi and Helge Hiram Jensen
2. UiT group interview, the university canteen 23.02.2012. Organized by myself. Participants: Brit Kramvig and Nina Foss.
3. LBT info meeting in Tana Hotell, 07.02.2011. Led by the LBT secretariat: Hans Erik Varsi and Kjell Magne Johnsson
4. LBT info meeting in Polmak community house 09.02.2011. Led by the LBT secretariat: Hans Erik Varsi and Kjell Magne Johnsson
5. The dialogue meeting “Kan vi leve sammen”, at the House of Literature in Oslo, 28. March 2012. Arranged by Marianne Lien and Gro Ween, from the research project Newcomers on the Farm. <http://www.sv.uio.no/sai/forskning/prosjekter/newcomers/arrangementer/2012/seminar-kan-vi-leve-sammen.html>
6. The seminar “salmon voices”, in Munich, 7-8 Oct. 2011. Participation by among others Bjarne Johansen, Marianne Balto, Steinar Pedersen, Håvald Hansen and Camilla Brattland. (I did not attend, but have secondary sources) <http://site.uit.no/salmonvoices/> last retrieved 5. May 2014.

F. Newspapers

- *Finnmarken*, 2010-2012
- *Ságat*, 2010-2012
- *Fiskarbladet Fiskaren*, 2010-2012
- *Finnmark Dagblad*, 2010-2012
- *Sør-Varanger Avis*, 2010-2012

Nordlys, 2010-2012

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LIST OF ERRATA

Prof. Dr. Steinar Pedersen is a fisherman, historian and politician, with great experience about the issue at hand. He has discovered several factual errors in this thesis. All these factual errors are dealt with in this three-page list of errata.

For the reader, it would be easier if such corrections had been implemented directly into the text, but this is not allowed, since doctoral theses at the EUI cannot be revised after its defense.

In order to avoid a too lengthy list of errata, the list excludes all purely typographical or grammatical errors. The errata were finished in Oslo, 29. November 2015.

The colonization of Sápmi may be dated in various ways. When the thesis claims that Finnmark became a colony in 1751 or in 1820, this certainly does not reflect the official policy of the Crown. It was not until 1848 that the process was officially defined – in retrospect – as one of colonization.

- p. 165 Line 3: The year “1820” should be “1848”.
- p. 168 Line 7: The year “1820” should be “1848”.
- p. 293 Line 11 from below: The phrase “In 1751, the Crown had stated that this land was *Terra Nullius*...” should be: “In 1848, the Crown stated that this land had been *Terra Nullius*...”.

The Finnmark Act is not restricted to the inland plateau, but applies to 95% of the mainland (excluding 5% private properties) within Finnmark County. Thus, the law includes freshwater, but also salt water fishing gear anchored onshore, which is the case for salt-water salmon fishery. All other forms of coastal or fjord fisheries were in question for the Coastal Fishery Commission.

- p. 167 Line 2: The phrase “inland plateau”, should be “mainland and freshwater (including salt water fishing gear anchored onshore)”
- p. 322 Final line: “proposition” should be “proposal from The Coastal Fishery Commission”.
- p. 323 First line: Delete “Still,”. After “FeFo has taken over the administration of local salmon fishing places...” there should be added: “...from *Statsskog*, as a result of the Finnmark Act, since FeFo now is the owner of the former state ground, and because the salmon fishing gear is anchored onshore”.
- p. 323 Line 2: Delete “while” and start new sentence.
- p. 323 Line 3: The phrase “...registration of actual customary rights.” should be replaced by “...whether there exist any local rights to fishing grounds in salt water for other fish species than salmon.”
- p. 323 Line 4-6: Delete the sentence: “The work is likely to... ..belong to the local population.”
- p. 397 Line 12: Delete the phrase “and fishing hours”, as these are regulated in another manner.
- p. 397 Line 14: After “...indigenous laws...” insert “...through the Finnmark Act” before the comma.

The Finnmark Commission, whose mandate is to investigate the various claims of user and ownership rights within Finnmark County (as a result of the Finnmark Act) is different from the Outfield Court, which has been given the mandate to judge in case of disagreement about the opinions of the Finnmark Commission.

- p. 294 Line 9: The word “court” should be “commission and court”. Additionally, the phrase “*Finnmarksdomstolen*, or ‘the Finnmark Commission’...” should be “*Finnmarksdomstolen* (the Finnmark Commission) and *Utmarksdomstolen* (the Outfield Court)”.
- p. 361 Line 8 from below: The word “court” should be “commission”.

The Norwegian Official Report, known in Norwegian as *Norsk offentlig utredning* (NOU) is a state commissioned report with a similar function to the British “green paper”, not the “white paper.” An NOU is *commissioned* by a state ministry, and is applied to inform the policy process, at a *preparatory* stage of the process, *previously* to decision-making. Hence, the NOU does *not express any official stance* or policy from the polity that has commissioned it.

- p. 13 Line 6: The word “white paper” should be replaced by “green paper”.
- p. 194 Footnote 495: The word “white paper” should be replaced by “green paper”.
- p. 210 Footnote 556: The word “white paper” should be replaced by “green paper”.
- p. 323 Footnote 835: The word “white paper” should be replaced by “green paper”.
- p. 347 Footnotes 887-888: The author “Norwegian Ministry of Fishery” should be “Norwegian Official Reports”.
- p. 354 Line 14: The phrase “report from” should be “report commissioned by”.
- p. 374 Line 12 from below: The word “report” should be “green paper”.
- p. 375 Line 11: The word “report” should be “green paper”.
- p. 402 Line 3 from below: The word “report” should be “green paper”.
- p. 402 Footnote 982: The reference “Norwegian Ministry of Justice and Police 1997” should be “Norwegian Official Report 1997a”.
- p. 451 Line 10 from below: The word “report” should be “green paper”.

State borders in Sámi land have a complicated history. Whenever the thesis seeks to give an overview of this history, the facts have to be sorted correctly.

- p. 50 Footnote 101, line 3: After the parenthesis, the following should be added: “Eastern Sámi from the Russian side kept the right to fish salmon on the Norwegian side (Andresen 1989, see also Pedersen 2008, Norwegian Official Reports 1994: Part 5).)”
- p. 50 Footnote 101, line 2: The phrase “as far north as Lake Boulbmát” should be “from the south towards an area just east of Lake Boulbmát”.
- p. 50 Footnote 101, line 4: The phrase “continuing from Lake Buolbmát” should be “continuing from the area just east of Lake Buolbmát”.
- p. 50 Footnote 101, line 8: Delete the parenthesis “(together with the 1826 border)”.
- p. 50 Footnote 101, line 9: After “closed” there should be added “for reindeer nomadism”, and after “1852” should be added the parenthesis: “(and from the same time, local people at the Finnish side have been denied the old right to fish in salt water at the Norwegian side)”.
- p. 50 Footnote 101, line 10: The year “1817” should (of course!) be replaced by “1917”.
- p. 168 Line 4: “When Norway-Sweden closed its border to Finland-Russia...” should be “When the border between Norway-Sweden and Finland-Russia became closed...”
- p. 168 Footnote 442: To “Niemi 2004” should be added “; see also Pedersen 2008 regarding the initiative from Finland-Russia and the active role of Norway-Sweden.”
- p. 170 Line 7: The phrase “between 1941 and 1945”, should be “in 1939 and 1945, respectively”.
- p. 452 Line 12 from below: The year “1945” should be “1944”, and there should be a reference to the historical map at p. 166, which shows state borders in Sápmi.
- p. 570 First line: In the bibliography, before “Appadurai, A. (ed.) 1998” there should be added: “Andresen Astri 1989: *Siidaen som forsvant*. Kirkenes: Sør-Varanger museum.”

Some ethnographic mistakes have been identified. These range from simple typing errors regarding place names, via terms which might sound awkward to local ears, to some instances of plain misunderstanding. All mistakes that have been identified are corrected in the following.

- p. 48 The final line: The year “1970” should be replaced by “1980”.
- p. 54 Line 10: The word “murdered” should be replaced by “severely wounded”.
- p. 54 Line 7 from below: Delete “the retired leader of the national trade union federation”. The public discussant cited here is another person with the same name.
- p. 147 Line 12: “Kvän ethnicity” should be “mixed descent (e.g. Kvän/Sámi)”.
- p. 323 Line 10: The wrongly spelled place name “Nieden” is correctly spelled “Neiden”.
- p. 361 Footnote 921: Further references should be added regarding the critical assessment of the green paper (NOU) by Peter Ørebech, and therefore, after “Norwegian Official Reports 2005 (NOU 2005:10)” there should be added the following period: “, see Chpt. 3.2 (cited in Eypórrsson 2008:209). See also Norwegian Official Reports 2001 (NOU 2001:34) pp. 587-652 (cited in Eypórrsson 2008:199-208).”
- p. 333 Second last line: The word “act” should be: “ILO convention”.
- p. 348 Line 10 from below: the place name “Kirkenes” should be “Vadsø”.
- p. 363 First line: The word “president” should be “Acting Vice President”.
- p. 363 Line 10 from below: My use of “syndicalist” might be a Latin-ism, since *sindicalista* (It.) or *syndicaliste* (Fr.) primarily denote trade union leader, with secondary connotations towards ideological syndicalism, but *syndicalist* (En.) is used primarily in latter meaning.
- p. 391 Caption title: The word “western” should be “eastern”.
- p. 391 Line 7: The wrongly spelled place name “Deadeanuvuotna” should be “Deanuvuotna”.
- p. 400 Line 7 from below: Delete the word “because”.
- p. 400 Line 6 from below: Delete the phrase “, Olaf had already... ..household economy”.

The head of the Sámi Rights Commission, Carsten Smith, was not only a Supreme Court judge, but also its leader, the Chief Justice of the Supreme Court in Norway.

- p. 325 Line 13 from below: The phrase “the Supreme Court Judge” should be: “the Chief Justice of the Supreme Court in Norway (*høyesterettsjustitiarius*)”.
- p. 258 Line 11 from below: The phrase “the Supreme Court Judge” should be: “the Chief Justice of the Supreme Court in Norway (*høyesterettsjustitiarius*)”.
- p. 360 Line 5 from below: The phrase “the Supreme Court Judge” should be: “the Chief Justice of the Supreme Court in Norway (*høyesterettsjustitiarius*)”.

Various other mistakes have also been identified throughout the thesis and here they are corrected:

- p. 49 Footnote 93: Add a reference to “Norwegian Official Reports 2001 (NOU 2001:31)”.
- p. 66 Line 15: After the phrase “‘hooligans’ and ‘foreign agents’” there should be a footnote referring to: “Ahmhad 2014; Ballovara 2014; Langlais 1999; see also Sedgwick 2010”.
- p. 152 Line 7 from below: The author name “Eithorsson” is correctly spelled “Eypórrsson”.
- p. 553 Line 13: After the phrase “They are stigmatized as ‘hooligans’ or ‘radicals’ whenever they resist... ..unsustainable forestry or over-fishing in the lands of Sámis and Nenets.” there should be added a footnote referring to: “Ahmhad 2014; Ballovara 2014; Langlais 1999; see also Sedgwick 2010”.
- p. 588 Line 12 from below: In the bibliography, “Norwegian Official Report 2001” should be listed after “Norwegian Official Report 1999” and before “Norwegian Official Report 2005”.